

DELEGATED REPORT

Report by Tom Beirne	Date of report: 16/10/2024	Ref: 71040/FUL
Registration: 27/08/2024	LDfC: 25/09/2024	Expiry Date: 22/10/2024
Site Visit: 10/09/2024	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: New front porch; various extensions at front / side and rear; full height glazed windows to ground and first floor rear and side elevations; first floor balcony and dormer window at front; raising of height of ridge of roof and formation of second floor living accommodation and formation of basement

Location: 34 Ringley Road, Whitefield, Manchester, M45 7LE

Description

The application relates to a large detached two storey house on the north side of Ringley Road. Large detached and extended houses on either side and large detached house to the rear on Ringley Park View. The site has trees mainly around the front garden boundary and is covered by Area TPO 71.

The proposal involves various alterations and extensions:

- New front porch canopy, front/side extension including dormer and balcony - The front extension would be two storey and would extend out 5m at its maximum projection and run around the west side to join the existing garage.
- The side extension running back from the front would be two storey with a front balcony 2m deep.
- Rear extension - The existing single storey outrigger would be extended 2m to the side, into the rear garden. The height would be raised to form a first floor.
- Full height glazed windows to ground and first floor rear and side elevations.
- Raising of height of ridge of roof and formation of second floor living accommodation.
- Formation of basement below the front/side extension to accommodate a home gym.

The application was accompanied by an arboricultural report to address impact on the Area TPO. The report recommends the removal of six trees - five Ash and one Plum tree, mainly around the front garden boundary. The trees are in poor condition and two are in close proximity to the house.

Relevant Planning History

58779 - Side and rear extensions - Approved 08/07/2015.

Publicity

Immediate neighbours notified by letter dated 04/09/2024. One objection from the neighbour at No.36 Ringley Road.

The extension and raising of the roof would have an extremely detrimental impact upon the light and view from our existing glass structure and garden immediately adjacent to that part of the proposed extension.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Visual amenity - The proposal would significantly change the appearance of the existing

house but in terms of scale and design, the alterations are well designed and would not be out of keeping with the site and wider streetscape. The properties on either side have been significantly altered and modernised in recent years. The proposed extensions and alterations are acceptable and comply with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Residential Amenity - The proposed extensions are sizeable in scale but the impact on neighbour's amenity would not be significant. The front extensions would have no impact on neighbours and the bulk of the side extension on the west side would be adjacent to the existing house and extensive outriggers to the front and rear on the neighbour's property (No.36 Ringley Road). The balcony at the front would have a glazed screen to reduce overlooking towards 36 Ringley Road. Although the outrigger at the rear would be higher than the existing, it would not have a significant impact on the amenity of the occupiers of No.36 Ringley Road.

The neighbour at No.36 has objected to the proposal and its impact on their light and views. However the extensions are to the north east of the neighbour and impact on light is not sufficiently serious to warrant refusal and their own extensions intervene therefore minimising impact upon amenity. Given the position in relation to the neighbour at No.36, there would be no serious impact on outlook from main windows nor garden areas/associated structures.

The proposed extensions would be acceptable in terms of residential amenity and comply with UDP Policy H2/3 and guidance on extensions and alterations.

Trees - The site is covered by an Area TPO (No.71). The arboricultural report recommends the removal of six trees - five Ash and one Plum tree, mainly around the front garden boundary. All the trees are in poor condition with low amenity value and two are in close proximity to the house. The vast majority of trees around the site are in good/moderate condition and as such would be retained and protected during construction.

With conditions to ensure tree protection and replanting, the proposal is acceptable in relation to trees and complies with UDP Policy H2/3 and guidance in SPD6.

Access and Parking - The access and parking would remain unaffected and therefore compliant with UDP Policy H2/3 and guidance related to extensions and alterations.

Objection - The issues raised by the neighbour have been addressed in the above report and the impact of the extensions would not be significant.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This decision relates to drawings numbered 101, 200/A1m 201/J, 202/I , 204 and tree constraints plan. The development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.

- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 4 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 5 No trees subject to a Tree Preservation Order, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 6 Within the first planting season following completion of development the approved tree planting scheme set out in drawing 200/1A shall be implemented. Any trees removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	16/10/2024	DM -	16/10/2024