

**DELEGATED REPORT**

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|------------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Amanda Uhunmwagho | <b>Date of report:</b> 28/01/2022 | <b>Ref:</b> 67834/FUL          |
| <b>Registration:</b> 07/12/2021    | <b>LDfC:</b> 01/01/2022           | <b>Expiry Date:</b> 01/02/2022 |
| <b>Site Visit:</b> 07/01/2022      | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0               | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A    |                                   | <b>EIA:</b> NA                 |
|                                    |                                   | <b>Dec Level:</b> DEL          |
|                                    |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Single storey rear extension and garage conversion

**Location:** 256 Turton Road, Tottington, Bury, BL8 4AJ

**Description**

The application relates to a detached bungalow situated on Turton Road in Tottington. The site is within the designated Green Belt. To the rear of the property there is a private garden area with fences to all boundaries as well as planting to both the applicant's side of the fence and beyond. There is a conservatory on the rear of the dwelling with a raised decked area directly to the rear.

The proposal is to remove the existing conservatory and replace it with a single storey extension which would be built in the same area as the existing conservatory. The extension would measure 7.45m wide and would project 4.38m from the existing rear elevation. It would have a flat roof and the outer walls are to be rendered in a light grey/cream colour.

**Relevant Planning History**

N/A

**Publicity**

Immediate neighbours notified on 08/12/21 - No comments or objections received.

**Statutory/Non-Statutory Consultations**

None

**Pre-start Conditions** - Not relevant.

**Unitary Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| H2/3  | Extensions and Alterations                                  |
| OL1   | Green Belt                                                  |
| OL7/2 | West Pennine Moors                                          |
| EN9/1 | Special Landscape Areas                                     |
| NPPF  | National Planning Policy Framework                          |
| SPD8  | DC Policy Guidance Note 8 - New Buildings in the Green Belt |

**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) and 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 Policy 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

### **Principle - Green Belt**

Paragraphs 143 and 144 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) provision for appropriate facilities (in connection with the existing use of land or a

change of use) for outdoor sport and recreation;

c) extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;

d) replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for community needs under policies set out in the development plan (including policies for rural exceptions sites); and

- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use excluding temporary buildings) which would - not have a greater impact on the openness of the Green Belt than the existing development; or  
- not cause substantial harm to the openness of the Green belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need with in the area of the local planning authority.

Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages.

This is further supported by Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt which state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling. To assist in what can be considered to be disproportionate SPD 8 considers additions of up to a third (33%). However, that is not to say something larger, or smaller than 33%, would not be supported as each case is considered on it's own merits.

### **Impact on Green Belt**

In addition to the Green Belt Policies set out above SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The wider aims of Paragraph 145 of the NPPF are to protect and maintain the openness of the Green Bet. The property is an end terraced house in a short row of three homes and there is a large, well established housing estate to the north west.

Whilst the proposal would extend the property to the rear, it would be replacing a slightly smaller conservatory, it would be single storey only and views of the rear of this property and its garden are very limited. Any views of the dwelling from the north and east of the site would be similar to what is visible on the site already and as such it would have limited impact on the character of the Green Belt.

It is also noted that the property is within an established residential area with many properties surrounding the site. The extension would be a small development on the rear of the property. The agent has provided a Green Belt statement in which they advise that the proposed extension would increase the original volume by less than the 33% limit as set out in SPD 8. As such the proposed volume increase of the proposed extension would not have any significant impact on the openness or character of the Green Belt as discussed above.

Given the above, it is considered that the proposal would not conflict with the surrounding land uses nor would it create harm to the openness of the Green Belt given the above circumstances. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt and therefore it is considered that the proposal complies with UDP Policies OL1/2, SPD8 and the NPPF.

### **Visual Amenity -**

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

Given that the single storey extension would be built on the rear of the property it would not be visible from Turton Road to the south west. The flat roof rendered structure would be a modern development on this property but it would only be partially from neighboring properties. As such the proposed design and finished materials would be considered acceptable in this location

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

**Residential Amenity -**

The extension would be built in a similar position to the existing conservatory. View would be to the rear of the site which currently has a fence along the boundary and there are conifers and other small trees along this boundary on the opposite side of the fence at 254 Turton Road. The trees appear to run along the side of a drive way to 254 Turton Road to the rear. This property would be over 20m from the rear of the proposed extension so even if that neighbour chose to remove the trees along the boundary the separation distance would be considered acceptable in terms of SPD 6.

Other properties to either side of site would be a sufficient distance from the proposed extension so that it would not have any significant detrimental impact on residential amenity at these properties.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 ZT21-196-00, ZT21-196-01, ZT21-196-02, ZT21-196-03 and ZT21-196-04 and 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 3 The external finishing materials for the proposal hereby approved shall match those

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of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| AU - 28/01/2022     |             |                         |             |