

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 12/08/2022	Ref: 68472/FUL
Registration: 13/06/2022	LDFC: 08/07/2022	Expiry Date: 08/08/2022
Site Visit: 14/07/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension; detached double garage at side; dormer extension and 2 no. loft windows at front; extension to main house roof; 2 no. dormers and loft window at rear; 2 no. loft windows to both side elevations and external alterations

Location: The Cottage, Isherwoods Farm, Watling Street, Tottington, Bury, BL8 3QT

Description

The proposal relates to a detached and single storey two bedroom stone and slate cottage at Isherwood Farm, erected under planning permission C/26363/91. It is situated immediately adjacent to and is accessed from the private access serving Isherwoods Farm from a bend in Tottington Road. The site falls within the Greater Manchester Green Belt.

The proposal is for a single storey rear extension (by widening, extending the projection and raising the height of the existing rear outrigger); dormer to front; 2 no. dormers at rear and insertion of recessed balcony to the southern gable at first floor and double detached garage (with a foot print of 5.86m x 5.95m and max height of 3.6m).

Finishing materials would include natural stone, glass balustrade and slate with anthracite uPVC windows.

The application has been amended by reducing the size and height of the proposed garage.

Relevant Planning History

66581 - Removal of condition no. 2 (restricting use to agricultural occupancy) from planning permission 26363/91 for an agricultural dwelling - Approve 10/05/2021

26363: Agricultural dwelling. Approved 28/11/1991.

Publicity

The proposal has been advertised by direct neighbour notification and site notice. No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection.

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
OL1	Green Belt
OL7/2	West Pennine Moors
EN9/1	Special Landscape Areas
EN1/2	Townscape and Built Design

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 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.

ANALYSIS

Impact on the openness of the Green Belt and visual amenity

UDP Policy OL1/2 and SPD 8 state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling and this is reflected in the NPPF. SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that complements the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene. Concerning dormers, SPD 6 advises that dormers facing a highway should not occupy a disproportionately large portion of the roof and set in at least 0.5m from the sides and set back at least 1m from the main wall. Specifically relating to pitched roof dormers, it advises that they should not project above the original ridge line and in all other cases set down 0.5m and align vertically with existing windows in a matching style.

The proposed extensions/dormers/garage would amount to 33% increase in the volume of the original dwelling.

The proposed rear extension would have the effect of enlarging the existing rear gabled projection. It would remain proportionate to the original given that it would tie in to the existing ridge (with the same roof pitch), the additional projection would be limited and the

majority of the rear elevation would remain.

The proposed position of the garage is backdropped by existing farm buildings immediately adjacent to the boundary dry stone wall. The garage has been reduced in scale and height such that it would be significantly lower than the dwelling.

The dormers would be modest in scale relative to the existing expanse of the roof. The lack of alignment with the ground floor windows would be justified in this case as those windows are randomly positioned, whereas the proposed dormers would be more uniformly arranged.

Given the above factors, the proposed development would not have any adverse impact upon the openness of the Green Belt, or on the visual amenity of the Special Landscape Area or the street scene and as such the proposed development would comply with the above UDP policies and the NPPF.

Other matters

Residential amenity - The dwelling is isolated (aside from being located immediately adjacent to agricultural buildings) and the extensions/dormers would pertain to elevations presently containing habitable room windows. Therefore, occupiers amenity would not be undermined.

Access/Highways - The proposal would not affect highways. The Highway Officer has recommended a condition requiring agreement of the storage of construction materials clear of public footpath bo. 37 (which is routed via the farm drive serving the property). However, the host property has an ample garden/curtilage and the proposed development is modest). It would not therefore be necessary to attach such a condition and this should rather be an informative.

Conclusion

No objections have been received concerning the proposal. The proposed extensions/garage would not represent a disproportionate addition to the building and would not have any unacceptable impacts on the openness of the Green Belt, visual or residential amenity. Given this, the proposal would be compliant with the above stated policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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:

DELEGATED REPORT

2022-1608-P-102 B
2022-1608-P-103 B
2022-1608-P-104 A
2022-1608-P-105 B
2022-1608-P-107
2022-1608-P-108 B

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 Unitary 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 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> DSC	<u>Date</u> 12/08/2022	<u>Sign off Officer</u>	<u>Date</u>
----------------------------	---------------------------	-------------------------	-------------