

## **DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 12/01/2024

**Ref:**70297/FUL

Uhunmwagho

**Registration:** 05/12/2023

**LDfC:** 29/12/2023

**Expiry Date:** 30/01/2024

**Site Visit:** 09/01/2024

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 0

**Con Area:** N/A

**Adv Type:** N/A

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Single storey rear extension with new flat roof at side/rear

**Location:** 40 Cockey Moor Road, Bury, BL8 2HB

### **Description**

The application relates to a large two storey detached house situated on Cockey Moor Road which is within the designated Green Belt. Along the front boundary there is a brick wall with railings above and a Laurel hedge. There are two vehicular access points with iron railing gates.

Access to the rear is via a path to the side of the house which leads to a large private garden with open fields beyond. Directly to the rear of the house is a single storey extension and patio area. As well as planting there is a 1.8m high fence along the shared boundary with no.38 Cockey Moor Road and a short brick wall along part of the boundary with no.42 to the opposite side. There is tall hedging to both side boundaries of the rear garden, along with some trees.

The proposal is to build a single storey extension off the side of the existing single storey rear extension. It would project 4825mm from the original rear elevation and it would measure 7950mm wide. The roof would be flat and finished with a rubber EPDM and the walls would be clad with midnight black eco-scape vertical slatted panelling and anthracite metal capping and panelling. The doors to the rear elevation would be black aluminum.

Part of the hipped roof over the existing side/rear extension would be replaced with a flat roof as well and a new oriel window would be installed to the rear elevation.

### **Relevant Planning History**

60842 - Two/single storey extension at side/rear and first floor extension at rear with external alterations - Approve with Conditions 19/12/2016.

### **Publicity**

Two neighbours notified on 05/12/2023 - No comments or objections received.

### **Statutory/Non-Statutory Consultations**

None.

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

### **Unitary Development Plan and Policies**

OL1 Green Belt

OL7/2 West Pennine Moors

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) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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, as well as the impact on the surrounding Green Belt.

**Principle (Green Belt) -**

Paragraphs 152 and 153 of the NPPF state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC), and when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' 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 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- (a) buildings for agriculture and forestry;
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- (d) the replacement of a building, provided 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 local community needs under policies set out in the development plan (including policies for rural exception sites); and
- (g) 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 within the area of the local planning authority.

Policy OL1/2 - New Buildings in the Green Belt 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 as set out under Policy OL1/3.

The site is situated in a ribbon development of around 31 properties located on both sides of Cockey Moor Road in between larger residential areas of Lowercroft/Elton and Ainsworth Village. There are different sizes and designs of property along Cockey Moor Road, many of which have been altered/extended over time. The agent has advised that the volume increase would be 51% which would exceed the 33% limit as set out in SPD 6.

However, the proposed single storey extension would be built on the rear of the dwelling in between two detached residential properties and it would project to a similar point as the existing single storey extension. There is a large garden to the rear with around 40m to the rear boundary, and the plans show that all of the development would be built within the residential curtilage of the site. As such although the proposed extension would result in a 51% volume increase compared to the original dwelling 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. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt and 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.

The single storey, flat roof extension with black eco-scape cladding to the elevations would be a very modern feature on the rear of a traditional property. However, as it would be to the rear of the dwelling it would be unseen in the public realm and given the high boundary treatment along the shared boundary with no.42 Cockey Moor Road it would be virtually unseen from the adjacent neighbours as well.

There are open fields directly to the rear of the site and the extension would be around 40m away. As such it would not be readily visible from the fields either. Taking this into account the design of the proposal is 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 -**

- There would be around 40m from the extension to the rear boundary and there are open fields beyond.
- There would be no windows to either side elevation.
- On the east side there would be no increase in height to the existing extension. In fact, the overall height part of the existing extension would be reduced in height due to the hipped roof being replaced with a flat roof.
- An oriel window would be installed to the rear elevation of the existing extension. The top of the window would be no higher than the existing patio doors in the same position. As such any views to no.38 would be screened by the existing boundary fence and privacy between the two properties would be maintained.
- The extension would measure 3135mm high and the west side elevation would be around 1300mm off the shared boundary with no.42 next door. This would be the same distance as the existing dwelling. As there is high hedging along the shared boundary and there is an existing garage at no.42 adjacent to the shared boundary there would be no significant detrimental impact on residential amenity at no.42 Cockey Moor Road.

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.

#### **Parking -**

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front garden and drive.

#### **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 ZT23-196-01, ZT23-196-02, ZT23-196-03 and ZT23-196-04 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 be Midnight black eco-scape vertical slatted panelling to the walls with Anthracite metal capping and panelling, rubber EPDM roof and black aluminium doors as stated on the application form and proposed drawings.

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 - 12/01/2024     |             |                         |             |