

DELEGATED REPORT

Report by Helen Pressley	Date of report: 31/10/2023	Ref: 69581/FUL
Registration: 24/04/2023	LDFC: 10/06/2023	Expiry Date: 19/06/2023
Site Visit: 19/05/2023	Site Notice: 19/05/2023	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Modifications to roof/first floor roof extension to accommodate additional living space to first floor; Porch to front elevation; Reduction in size of existing garage; External alterations to include solar panels to front/rear roof slopes, new stone/render finish to external elevations and alterations to doors/windows/glazing with 2 no. juliet balconies to rear elevation

Location: Sheepgate Farm Cottage, Bradshaw Road, Walshaw, Tottington, Bury, BL8 3PL

Description

The application relates to a dwelling house located on Bradshaw Road. The dwelling has been previously extended at two storey to the side, and single storey to the rear and has a detached garage to the north of the site. The site is accessed along Footpath 80TOT.

The site is located within the Green Belt and is located within a cluster of 3no. dwellings and associated outbuildings with open land located to the north and east of the site.

Planning permission is proposed for modifications to roof of the existing dwelling, with a first floor roof extension to the rear accommodate additional living space to first floor. To the front it is proposed to construct a porch. External alterations to include solar panels to front/rear roof slopes, new stone/render finish to external elevations and alterations to doors/windows/glazing with 2 no. Juliet balconies to rear elevation. The proposal also includes a reduction in size of existing garage.

Relevant Planning History

14606/83 - Single storey side extension - 26/05/1983

36481 - Single storey extension at rear and first floor extension with dormer windows to front and rear at Sheepgate Farm Cottage, Bradshaw Road, Tottington. Approved with conditions - 7 June 2000

59402 - Conversion and extension of existing garage/store to form specially adapted care provision accommodation for annexe to Sheepgate Farm Cottage at Sheepgate Farm Cottage, Bradshaw Road, Walshaw. Refused - 11 December 2015.

59402 - Conversion and extension of existing garage/store to form specially adapted care provision accommodation for annexe to Sheepgate Farm Cottage - Refused 14/12/2015

02729/E - Modification to roof to accommodate additional living space and provide access to all 1st floor rooms from one landing. - Enquiry completed 10/06/2022

Publicity

Neighbour letters 10/05/2023

Site notice (public interest) 19/05/2023

Amended neighbour letters 26/09/2023

No representations received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN9/1	Special Landscape Areas
OL1	Green Belt
OL7/2	West Pennine Moors
H2/3	Extensions and Alterations
OL1/2	New Buildings in the Green Belt
OL1/5	Mineral Extraction and Other Development in the Green Belt
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.

Green Belt (Principle)

Paragraphs 147 and 148 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 149 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 within 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 its own merits.

Original Dwelling

In order to make an initial assessment in relation to whether the proposal is a disproportionate addition, the extent of and the volume of the original building/dwelling needs to be understood. Paragraph 149c states that " extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the

original building. "The term "original building" is referred to in paragraph 145(c) of the NPPF and is defined in the Glossary to the Framework as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally". It is this original volume therefore that forms the baseline against which subsequent extensions and alterations should be measured.

The dwelling has clearly been extended previously at two storey to the side and single storey to the rear, as confirmed by the site history set out above. There is also a detached garage to the south of the site that is considered to be within the curtilage of the dwelling. The planning application is supported by a Planning Statement that confirms that the house was originally attached to the property known as Sheepgate Farm, and photographs show that the original "cottage" building did have a barn attached to the rear. Other farm buildings within the curtilage of the site are also visible. It is unknown exactly when the properties were separated into two separate dwellings, or planning units however the applicant's state that an HM Land Registry transfer date is shown in 1982 and therefore they consider this to be the date the properties were split.

In 1983 planning consent was granted for a single storey side extension to the cottage building. The applicant's consider that this extension was part of the scope of works for the subdivision and as such argue that the original cottage, and the single storey side extension should be the baseline volume for the property. The planning consent however was granted for "Sheepgate Farm Cottage" which therefore appears to already be a separate unit and whilst it may have been within the scope of the works for the subdivision, it is still an extension to the original unit. As such, it is contended that the volume of the original property as set out within paragraph 5.22 of the planning statement is incorrect as this includes the later extension.

In 1985 planning permission for a detached stables, and garage was granted and the garage was constructed. In 2000 a further consent was granted for a first floor above the 1983 side extension, and a new single storey rear extension. It is therefore considered that the applicant's have already utilised their 33% as set out within SPD 8. The existing side and rear extensions, and garage have clearly added significant footprint to the original building and it is considered that these would already be considered to be disproportionate additions. Any further extensions that would lead to an increase in built form would therefore require a case for Very Special Circumstances.

Whilst no direct reference to VSC is set out within the Planning Statement the applicant has put together a planning assessment within their statement which will be considered below.

Impact on Green Belt

Volume

The applicant's have set out a case within their Planning Statement that includes removal of part of the garage, and demolition of areas of the existing property to offset the potential volumetric increase of the property. It has already been set out above however that the baselines for these volumetric increases set out within the planning statement are considered to be incorrect.

Notwithstanding this, whilst the alterations proposed may not increase the overall existing volume on site the nature, the extent of the existing additions have already lead to a dwelling that is significantly larger than the original property in terms of volume, and footprint and as such any further additions need to be minimal, and carefully considered in terms of design.

According to case law in the Court of Appeal judgement *Turner v Secretary of State* 2016 at para 14, "The concept of openness of the green belt is not narrowly limited to volumetric approach..... (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspects which the Green belt presents." The visual impact of the proposed alterations will therefore be discussed below.

Design

In addition to the Green Belt Policies set out above for householder extensions 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.

It is considered that additions to buildings within the Green Belt should be limited to subsidiary elements of the original building, and should be simple and unobtrusive in design to ensure that they do not result in disproportionate additions over and above the original dwelling.

The proposal seeks to alter the front elevation of the original property, changing the roof so that there is now a gable end facing towards the front boundary, and amending the window layout. The front elevation of the side extension has also been changed raising the eaves and removing the existing dormers. The alterations to the extension simplify this elevation and are considered to be acceptable. The amendments to the original cottage however would amend the character of the original dwelling introducing oversized windows, and stone quoin detailing that detracts from the simple form and style of the original stone building. The amendments to the roof of this elevation would also increase the scale and massing of this aspect beyond that of the original dwelling and would be clear visible from the public vantage point of Bradshaw Lane.

The proposal as set out would result in significant additions and alterations to the rear and side elevation 1 of the dwelling. The proposal seeks to add a first floor extension to the rear elevation, as well as large expanses of glazing to the rear and side. The floor to ceiling glazing, and Juliet balcony additions in particular would become a significant feature of the rear elevation and would further enhance and exacerbate the increased scale of the dwelling. The proposed alterations are considered to be overly suburban in character and the introduction of this glazing at the rear and side would not be complimentary to the original property due the scale, height and use of materials and as such not acceptable in terms of impact on the openness of the Green Belt.

It is noted that the proposed dwelling would be viewed in relation to the neighbouring property which is currently higher than the proposal, however the images in paragraph 7.9 of the planning statement illustrate the amendments to the rear elevation would alter the character of the existing property significantly even when viewed at a long distance. The property is currently only located in a cluster of a handful of properties and therefore any large, and uncharacteristic additions will impact on the openness of the Green Belt.

Appeal reference APP/T4210/D/18/3211132 also has to be taken into consideration, which also involved extensions with large expanses of glazing in a Green Belt location. This appeal acknowledged that it was reasonable to assess the visual impact of the proposed extensions in relation to the existing building and concluded that the extensions would be disproportionate additions to the building by reason of their size, design, massing and position.

It is considered that the combination of the introduction of further extensions and the proposed alterations to the openings and roofs of the dwelling would lead to the creeping loss of Green Belt that the policies set out above seek to avoid and as such not acceptable in terms of impact on the openness of the Green Belt.

Layout

The applicant's Planning Statement confirm that they seek to consolidate the layout of the existing property to meet the family's living requirements. It is noted that the bedrooms are currently split between the original cottage and the later side extension and that this limits the use of the property for a young family. Whilst sympathetic to the appellants personal circumstances, the potential to adapt the existing accommodation needs to be fully

explored in the first instance. The rationalisation of the internal layout would not clearly outweigh the harm caused by the proposal and therefore very special circumstances does not exist.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is considered that the issues in this case, as set out above, do not clearly outweigh the totality of the harm to the Green Belt that have identified. Consequently, the very special circumstances necessary to justify the proposed extensions do not exist. The proposed extensions would therefore conflict with Policy OL1/2 and with the Framework, in this regard.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

For clarity the following aspect standards would be applicable:

- 13 metres between an existing habitable room window and a proposed two storey blank wall
- 6.5 metres between an existing habitable room window and a proposed single storey blank wall
- 7 metres between a proposed first floor habitable room window and a directly facing boundary with a neighbouring property.

The front elevation of the dwelling would face towards an outbuilding associated with Sheep Gate Cottage and an area of residential amenity space for this property. The existing front ground floor kitchen and store windows would be amended in style and would now be associated with a bedroom/snug and a study. The bedroom/snug would be considered to be a habitable room however these windows would face towards an outbuilding and would be separated from the neighbouring property by the front garden and access. The existing front ground floor window within the side extension would also be amended, and replaced with two windows relating to non-habitable rooms (utility and WC). The proposed new porch addition would also be considered to be a non-habitable room. Given the relationships, and uses set out above it is considered that the front ground floor windows would not have a detrimental impact on the residential amenity of the directly facing property.

The proposed first floor front window for bedroom 5 would replace an existing first floor bedroom and bathroom window and as such it is considered residential amenity would be maintained. The proposed first floor front window for bedroom 4 and associated ensuite would replace an existing bedroom and bathroom windows and again, it is considered residential amenity would be maintained.

The side window facing towards Sheepgate Farm is existing.

The proposed extensions would not extend beyond the principal front and rear elevations of the existing dwelling, however there would be a first floor addition at the rear that is higher than the existing rear extension. This extension would project approximately 3070mm beyond the rear of Sheepgate Farm. SPD 6 states that the first floor should not project in excess of 1 metre beyond the rear wall of the neighbouring property. For detached properties, beyond the 1 metre point any extension should not encroach on a 45 degree line as taken from the mid-point of the closest ground floor habitable room window. Sheepgate Farm has a mullioned ground floor window within the principal rear elevation adjacent to the boundary with the site. The proposed first floor extension would not impact on a 45 degree line as taken from the midpoint of this window.

The three proposed rear ground floor living room windows would replace existing habitable room windows, within a different configuration and as such residential amenity would be maintained. The proposed rear kitchen/dining glazing would replace a conservatory, and bathroom windows. This would introduce full height habitable room windows, where there

were previously non-habitable room windows. These windows would be located approximately 2300mm from the rear boundary. Whilst these windows would be at ground floor and partially screened by the existing rear boundary this would significantly increase the amount of habitable room glazing that relies on land outside of the applicant's ownership and as such would not be acceptable.

The existing rear first floor bedroom dormer window would be replaced by corner glazing, and a Juliet balcony associated with bedroom 3. This Juliet balcony would be located in a similar position to the existing bedroom window, maintaining similar aspect standards however the style of the window is different. Juliet balconies by their nature invite people to stand at them and the new glazing would now be full height. There would also be additional glazing within the corner window for bedroom 3. The location, and extent of this glazing is therefore considered to be unacceptable.

The window, and Juliet balcony within the first floor rear extension associated with bedroom 2 would be located approximately 2300mm from the directly facing rear boundary. This is significantly below the 7 metres required by SPD 6 and would also introduce windows where previously there was none.

It is noted that the applicant considers that the land to the rear will not be developed as it is Green Belt however this land is outside of the applicant's ownership and the applicant should not be relying on views over land that is outside of their control.

The proposed first floor rear ensuite windows relate to non-habitable rooms and as such aspects have not been applied.

There are no residential properties to the north of the site.

Other Considerations

The applicant did engage with the Local Planning Authority prior to the submission of the application through pre-application advice. It is noted that this advice accepted the case made by the applicant in relation to offsetting volumes. The scheme that pre-application advice was given on however was of a much smaller scale and only included indicative plans. It should also be noted that the pre-app does not bind the council in a future decision on a planning application.

The scheme assessed above had moved on significantly from the pre-application. The Case Officer for this current scheme did contact the applicant in relation to the original scheme and attended a meeting to discuss the scheme and this resulted in amended plans and an updated planning statement. At this time however the amended plans and additional information did not address all of the concerns raised, and did not introduce any evidence that outweighed the in principle harm to the Green Belt or overlooking issues identified. As such a recommendation for refusal has been progressed.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

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- 1 The proposed development by virtue of its scale, location, design and use of materials would lead to inappropriate development within the Green Belt that erodes the character of the property in question and the openness of the surrounding area. The proposed alterations would result in a disproportionate additions over and above the size of the original dwelling and subsequently harm the openness of the Green Belt and is therefore contrary to the following policies of the Bury Unitary Development Plan: OL1/2 - New Buildings in the Green Belt and associated Supplementary Planning Document 8: New Buildings and Associated Development in the Green Belt, H2/3 - Extensions and Alterations and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties and the National Planning Policy Framework.
- 2 The proposed development would result in unacceptable overlooking of land outside of the applicant's ownership by reason of the sub-standard distances between habitable windows and the directly facing boundary and the increase of glazing. The proposed development therefore conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated 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>
HP 31/10/2023		DM 01/11/23	