

DELEGATED REPORT

Report by Tom Beirne	Date of report: 17/02/2022	Ref: 67693/FUL
Registration: 05/01/2022	LDfC: 26/01/2022	Expiry Date: 02/03/2022
Site Visit: 16/02/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Replace existing conservatory with two storey side extension with front dormer

Location: Middle Lees, 33 Knowsley Road, Ainsworth, Bolton, BL2 5PY

Description

The application relates to a dormer bungalow within a large residential plot on a residential road on the north side of Ainsworth. There is a conservatory on the south side measuring 5m by 4m. There are detached residential properties to the north and south. Open land across Knowsley Road to the west and a paddock to the rear/East. The site lies within the Green Belt, West Pennine Moors and is also a Special Landscape Area.

The proposed extension on the side elevation would measure 5.2m by 7.6m and be located on the side the existing conservatory, to be demolished, is sited. The roof would be carried over onto the main roof with a ridge height just below the main ridge with a small pitched roof dormer facing front. The extension would facilitate a larger lounge at ground floor and larger bedroom at first floor. Finished in render and tiles to match the house.

Existing / Current volume

Total Dwelling original = 842.36m³

Conservatory = 63m³

Dormer window extension = 18.9m³

Porch Extension = 16.56m³

Total Original existing = 842.36m³ (Excludes Conservatory, dormer window and porch extension)

Proposed Total

Previous extensions 18.9m³ + 16.56m³ + 63m³ = 98.46m³ (11.6% of original dwelling volume)

New Extension = 36.6m² x 5.1m = 186.66m³. (21% of original dwelling volume)
(Replaces Conservatory)

Total Extensions Previous and New

18.9m³ + 16.56m³ + 186.66m³ = 222.12m³ (26.3% of original volume)

Relevant Planning History

51096 - Porch extension at front with juliet balcony above - Approve with Conditions
17/04/2009

Publicity

Immediate neighbours notified by letter dated 05/01/2022. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

EN9/1	Special Landscape Areas
OL1/2	New Buildings in the 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. 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 and visual amenity - The proposed extension replaces an existing conservatory which is rather dated and with limited insulation, has a poor thermal performance.

Although larger, the new extension is more in keeping with the main dwelling in that it better reflects the existing form and would be constructed to match the house and be better insulated. Volume calculations have been submitted and it is not considered that the extension would be a disproportionate addition over and above the original dwelling and as such there is no material harm on the openness of the Green Belt.

The proposal is acceptable in terms of Green Belt, West Pennine Moors, Special Landscape Areas and visual amenity and complies with UDP Policies listed.

Residential amenity - Given the size of the plot and location and size of the extension, there are no residential amenity issues arising. There are windows in the side facing the neighbour on the south side but with just over 8m from the side of the extension to the side boundary, with trees and shrubs along the shared boundary, there would be no serious overlooking. No objections have been received from neighbours. The proposal therefore complies with UDP Policy H2/3 and guidance in relation to residential amenity.

Access and parking - No issues arising.

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 6499-01 and 02A 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	17/02/2022		