

DELEGATED REPORT

Report by Mo Warsame	Date of report: 24/04/2023	Ref: 69412/FUL
Registration: 02/03/2023	LDFC: 07/04/2023	Expiry Date: 27/04/2023
Site Visit: 24/03/2023	Site Notice: N/A	Press Date: N/A
12:00:00		
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: 1st floor balcony at side with glass balustrade

Location: 28 Sumner Avenue, Ainsworth, Radcliffe, Bolton, BL2 5RQ

Description

The site property is located at the end of the Sumner Avenue, with a garden to the front and rear. Along the side of the house is a path and low brick wall and fencing along the rear garden leading to an outbuilding. Beyond this to the side is a gated single-track road and then to the south of this open fields. The attached neighbour is No.26 which has a conservatory at the rear. The neighbouring properties bordering the rear site garden are 1, 3 & 5 Moorside Avenue. The site is within the Green Belt.

Planning permission is sought for the erection of a first-floor balcony at the side with glass balustrade. The balcony would be setback from the principle front and rear and measure 2.2 metres by 3.6 metres. The balcony would have a 1.1 metre high glass balustrade.

Relevant Planning History

02326/E - Conversion of detached outbuilding to living accommodation - Enquiry completed 18/07/2019

50147 - SINGLE STOREY EXTENSION TO REAR; PORCH TO FRONT WITH CONSERVATORY TO SIDE & REPLACEMENT OF FLAT ROOF WITH A PITCHED ROOF TO EXISTING REAR TWO STOREY EXTENSION - Approve with Conditions 06/08/2008

68338 - Conversion of detached outbuilding to living accommodation - Approve with Conditions 23/06/2022

Publicity

Neighbour letters sent on 17/03/2023. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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

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.

Impact on the openness of the Green Belt

Section 13 of the NPPF confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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. The local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include

(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. In this respect, the NPPF does not provide any specific definition of what constitutes a disproportionate addition.

UDP policy OL1 and OL1/2 relate to Green Belt and the provision of new buildings. SPD 8 - New Buildings and Associated Development in the Green Belt provides greater clarity and states that in general terms, extensions up to a third of the volume of the original dwelling may be allowed, but that every application is to be assessed on its merits and even an increase up to a third may not be appropriate in certain situations. This guideline is duplicated in SPD 6 - Alterations and Extensions to Residential Properties.

The measure of (dis)proportion is not a measure of volume only and is widely taken to be an assessment of the volume, mass, scale, footprint and dimensions of a proposal relative to the original and its impact on the openness of the Green Belt.

The proposed balcony would amount to a volume increase of around 12%. This would be acceptable and as such, would appear proportionate relative to the original dwelling and would appear subordinate to the scale of the original.

Therefore, the proposed development would not have any adverse impact upon the openness of the Green Belt and the proposed development would comply with above UDP policies and SPD's and the NPPF.

Visual Amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

Situated to the side, the first-floor balcony extension would be visible from the public area. However, the proposed development would be tucked into the side and as such, would not be visible from the attached dwelling. Furthermore, development would be modest and simple design and would not be intrusive feature within the street scene. Therefore, the proposal would not have any detrimental impacts on the character of the street scene and as such would comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

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

- The proposed first floor-floor balcony to the side would not project beyond the principle front and rear elevations. Therefore, the development would have no detrimental impact on the attached property (No.26). On the opposite side, the proposed balcony would be facing towards an area of open field. Furthermore, there would be sufficient distance to the shared rear boundary and properties to the front would be over 20 metres away from the proposed balcony.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties, and there have been no objections to this proposal by any of these neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Highways The proposal will result in no additional bedrooms and there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

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 1, 2, 3, 4 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	24/04/2023		