

DELEGATED REPORT

Report by Amanda

Date of report: 21/03/2025

Ref:71442/FUL

Uhunmwagho

Registration: 20/02/2025

LDFC: 17/03/2025

Expiry Date: 17/04/2025

Site Visit: 29/01/2025

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: PI

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey rear extension with balcony and glazed balustrade; decking at rear; porch at side and loft conversion with dormer at side

Location: 1 & 2 Lower Longcroft Cottage, Walmersley Old Road, Bury, BL9 6SX

Description

The application relates to a pair of previously extended semi-detached dwellings. The properties are located on an unadopted road off Walmersley Old Road, Bury. As the properties are located on a hill the open fields to the west of the site are higher compared to the dwellings and to the east is a large area of woodland and the land drops steeply to this side. The ground level of numbers 1 and 2 Lower Longcroft Cottage is lower than the road/footpath to the west side.

One of the houses is accessed from the north side elevation and the other from the south. There is a garden area with a stone wall along the boundary to the south of the building and parking area for three to four vehicles. The north side, which could be used as parking, or garden is currently full of debris and rubbish. There is also a shed to the north. There are existing extensions to the rear of the properties which would be removed to build the proposed extension.

The proposal is to build a single storey rear extension with balcony and glazed balustrade, decking at rear, porch at the side and a loft conversion with dormer at the side. The extension would replace the dilapidated extensions to the rear of the dwellings.

The extensions would be built flush with the north side elevation and it would project 4185mm to the east. It would measure 8760mm wide and this part of the extension would provide a new seating and dining area and kitchen. To the east elevation there would be bi-folding patio doors leading to a new balcony which would measure 8760mm wide and would project 1700mm from the side of the extension. The balcony would be built on stilts and there would be a glazed balustrade.

To the south, the new sun room extension would be stepped back by 1800mm from the side of the kitchen/dining extension. It would measure 3890mm long x 2412.5mm wide and to the front of the extension would be an area of decking measuring around 2996mm long x 2412.5mm wide. The decked area would also have a glazed balustrade.

The porch to the north side elevation would measure 2150mm x 3300mm and it would have a pitched roof.

The loft is to be converted to provide a further bedroom and en-suite shower room. It would be on the north side elevation of the house, which is part of the original dwelling. It would measure 6341mm wide and would project around 3000mm from the roof. It would not

project above the existing roof level and it would be set in from the outer wall by around 1900mm.

Relevant Planning History

- 43617 - Two storey front extension and single storey side extension with balcony - Approved with conditions 23/12/2004.
- 48595 - Two storey extension - Approved with Conditions 16/10/2007

Publicity

Given the remote location of the site a site notice was erected on 29/01/2025 - One comment was received suggesting that guarantees should be put in place to ensure that rubbish and building debris is properly disposed of and is not allowed to 'fall' into the nearby woodland and especially water systems as it has been for some considerable time and is still happening.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

H2/3	Extensions and Alterations
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework
PFE	Places for Everyone

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 openness of the surrounding Green Belt.

Principle (Green Belt)

Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. 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.

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) 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.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- i. mineral extraction;
- ii. engineering operations;
- iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

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.

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.

The Green Belt statement submitted with the application advises that the proposed extensions would result in an increase of 12.8% of the original building. However, the volume calculation appears to relate to the single storey side extension only and does not include the two storey extension at the front of the property. The previous extension for the two storey front extension resulted in a volume increase of more than a third of the original dwelling. As such any further development at the property would only increase that amount.

However, comments on the current proposal would be similar to comments on the previous application, in that due to the site's sunken location compared to adjacent fields and the woodland to the opposite side, the single storey side extension would not be openly visible from the public footpath to the front of the site and there is only woodland to the east side. As such it is considered that the proposed development would not have any significant detrimental impact on the openness or character of the surrounding Green Belt.

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 properties are in a fairly isolated position with limited passing traffic and pedestrians. The single storey rear extension, decking and balcony would not be openly visible from the road in front of the site and given the rear of the site is surrounded by woodland it would not be overly visible from the east either. The extension and balcony would be a fairly modern addition to the original dwellings, but it would remain in keeping with the existing extension to the properties.

The porch to the north side elevation of the building would be built with materials and a design that would be considered acceptable on this property and the proposed dormer to the north would be set well back from the north elevation and wouldn't project above the existing ridge. It would be finished with materials that would be in keeping with the rest of the development.

Taking all of the above into account it is considered that the proposed development would

be 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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- There are no other residential properties in close proximity to the site.
- There are open fields to the west of the site, which are higher compared to site and to the east is dense woodland only.
- The proposed development would not have any detrimental impact on the existing parking layout within the site.

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 increase the number of bedrooms at no.1 from 4 to 5 and there would be no increase in the number of bedrooms at no.2. SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has a drive at the front for the parking up to 4 vehicles and this area would not be affected by the proposed development. The applicant would also have the ability to create further parking spaces to either the north or south of the dwellings if required. The existing spaces within the site mean that parking arrangements would be considered sufficient.

Response to public comment -

The site is remote and located directly next to an area of woodland, and there is also a very steep drop in land level to this side. Given the land level on site it could be possible for debris to fall. However, this would not be a material Planning concern and if problems arise it would be dealt with by the appropriate environmental legislation. If members of the public have any concerns they would need to contact the relevant Council department.

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 ZT24-196-00, ZT24-196-01, ZT24-196-02, ZT24-196-02.5, ZT24-196-03, ZT24-196-04.5, ZT24-196-05, ZT24-196-06 and ZT24-196-07 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 in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

- 3 The external finishing materials for the proposal hereby approved shall be oak cladding to the walls, grey upvc windows and doors, and the roof would match the existing building. The fascia boards would be the same colour as the windows.
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 - 21/03/2025		HL - 24/03/2025	