

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 18/01/2022

Ref:67732/FUL

Registration: 29/10/2021

LDfC: 23/12/2021

Expiry Date: 24/12/2021

Site Visit: 11/11/2021

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: Two storey and single storey rear extension

Location: 8 Droughts Lane, Prestwich, Manchester, M25 2ST

Description

The application relates to a two-storey semi-detached house within the Green Belt on a residential cul-de-sac in Simister Village. The property has an existing mismatch of single storey rear extensions including a conservatory, kitchen, workshop/store, plus a first floor bathroom extension. The attached neighbour has a single storey extension at the rear plus an extant single storey approval (66529), and the neighbour on the other side is set across a back lane. There is a very deep garden (approx. 39m) and neighbours to the rear have trees and shrubs on the boundary.

Planning permission is sought for a two-storey extension that would occupy the full width of the property and project out from the original dwelling by 6.6m at ground floor and by 4.6m at first floor, with a gable roof carried over from the existing roof. The existing mismatch of extensions would be removed as a result of the proposed extension. In terms of materials, new and existing walls would be rendered cream, and there would be slate to match existing. There would be a 32m separation distance to the rear boundary.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 09/11/2021 sent to 7 (seven) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

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 – NPPF 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.

The wider aims of Paragraph 145 of the NPPF are to protect and maintain the openness of

the Green Belt. The site is located within an established residential area that is washed over by Green Belt designation. The site is located within an established cluster of residential dwellings many of which have been visibly extended. Whilst the proposal would lead to alterations and extensions to the rear of the property these would be viewed within the context of development within the surrounding residential area.

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 OL/3.

This is further supported by SPD8 - 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. In general terms, the Council may allow an extension to be up to a third of the volume of the original dwelling, notwithstanding other material planning considerations such as design and visual appearance. 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.

Policy OL1/3 states that in all named villages which lie within the Green Belt, limited infill development may be permitted, provided that it is in scale with the village and would not adversely affect its character or surroundings.

Information provided by the applicant shows the proposed extension would lead to an increase of approximately 62% in comparison to the original dwelling. As such, consideration needs to be given as to whether this would be inappropriate at this particular site.

Impact on Green Belt - In addition to the Green Belt Policies set out above 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 proposed extension is located to the rear of an existing residential dwelling near to the centre of Simister Village and entirely surrounded by other dwellings albeit with very long gardens. The original dwelling measures 132.8m² and subsequent extensions measure a combined 51.3m². The proposed extension would be approximately 83.3m², which if approved would result in total volume measuring 216.1m² representing an increase of 62.1% on the original building which is above the 33% suggested within SPD 8.

However, the application site is within an established residential area, entirely enclosed by other dwellings within the well-established Simister Village, not in an open rural setting, and the proposed development does not alter the existing skyline. Additionally, the proposed extension is located largely to the rear, so would not be readily visible from public view. Therefore, it would not impact on the openness of the Green Belt.

In this instance 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 given the above circumstances. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt, or result in a disproportionate addition. It is there considered that the proposal complies with the NPPF, UDP Policies OL1/2, and associated guidance in SPD8.

Visual amenity - In terms of design and appearance the extension is generally in-keeping with the existing house. Situated at the rear the extension would not be readily visible from the public arena. In terms of materials, new and existing walls would be rendered cream,

and there would be slate to match existing. There is a good alignment of windows. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy to the rear, the 32m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The extension is acceptable in relation to the attached neighbour as it complies with the '45-degree rule' within SPD6 with regards to both the ground floor and first floor windows. In terms of the unattached neighbour at Nr.6, the impact of the extension is not significant given that the properties are separated by the back lane. Overlooking to this neighbour is minimized by the absence of any side windows. The neighbour at Nr.10 has an existing approval (2021) for a single storey rear extension that would actually project slightly further than this proposal. Therefore, this proposal should be considered in the context of this recent permission and the neighbours existing rear building line therefore cannot be given a great deal of weight.

In terms of the general prominence and impact on daylight the extension is set off the shared side boundary and is to the south of Nr.10. The extension would have an impact on part of the rear garden around midday, however as mentioned above given that the neighbour has an existing approval for a single storey extension along the shared boundary it is considered that any overshadowing would not be seriously excessive above and beyond the existing situation. In this respect the extension would not have such a serious impact to warrant refusal. The extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - The proposal would not affect the existing site access or parking arrangements.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, of this development and also provides an overall visual improvement to the appearance of the rear of the dwelling whilst providing improved internal amenity space. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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.

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- 2 This decision relates to drawing numbered 10/DL/1C submitted 09/12/2021 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 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>
Steven Gunn-Russell	18/01/2022		