

DELEGATED REPORT

Report by Amanda Uhunmwagho	Date of report: 13/10/2020	Ref: 65897/FUL
Registration: 08/09/2020	LDfC: 09/10/2020	Expiry Date: 03/11/2020
Site Visit: 21/09/2020	Site Notice: N/A	Press Date: 17/09/2020
Objections: 1	Con Area: AINS	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Conversion of detached garage to living accommodation

Location: 51 Church Street, Ainsworth, Bolton, BL2 5RA

Description

The application property is situated within the Ainsworth Conservation Area and the whole village is part of the designated Green Belt. There are many different types and sizes of dwellings throughout the village. The application property is an end of terrace, stone property with garden areas to the side and rear. At the front the property opens up directly on to the pavement. At the rear of the property there is a detached garage which is accessed from the back street. There are also vehicular gates to the rear of the site and parking on site for at least one vehicle.

The proposal is to convert the existing garage in to living accommodation for the applicant's adult son who is required to be at home due to health reasons. At the front the garage door would be replaced with a window and openings to the side and rear elevations would also be altered. The canopy at the front of the garage would be removed.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified on 08/09/2020.

Site noticed erected on 10/09/2020.

Press advert in on 17/09/2020.

One objection was received from the Ainsworth Community Association who gave the following reasons for objection :-

The Ainsworth Community Association have discussed the application 65897, 51 Church Street Ainsworth, (conversion of detached garage to accommodation) and feel that this is an inappropriate development and would set a precedent to allow similar detached garage conversions.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections.

Traffic Section - No objections.

Pre-start Conditions -Not relevant.

Unitary Development Plan and Policies

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

OL1	Green Belt
OL7/2	West Pennine Moors
EN9/1	Special Landscape Areas
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity and the impact of the proposal on the openness and character of the Green Belt and the character of the Conservation Area.

Green Belt -

The application site is located in the Green Belt. Paragraph 145 of the National Planning Policy Framework (NPPF) states that the construction of new buildings within the Green Belt are inappropriate. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of the 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 it;
- c) the extension or alteration of a building provided 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 is 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.

The NPPF continues that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

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.

Every proposal is assessed on its own merits and how it would affect the character and openness of the Green Belt. Normally annexes are attached to the main dwelling but it is not to say that detached buildings cannot be converted or constructed for the same use.

In most cases an outbuilding such as this could be converted in to living accommodation under Permitted Development rules. The reason why the applicant has submitted the planning application is because the external alterations require permission due to the height of the existing building being higher than what would fall within the Permitted Development limits and its close proximity to the site boundary.

The proposal is to convert the existing detached garage only. Nothing is to be extended. The building is within the residential curtilage of the site and its use would be ancillary to the main dwelling only by the adult son of the applicant who is sick and can no longer live alone. The garage is situated directly to the rear of the main dwelling, accessible from the rear garden on site. The general character of the building would remain the same with the exception that the existing garage door to the front of the building would be replaced with a window. Patio doors would be installed to the rear elevation and a window to the side but

only the front elevation would be visible from off site.

Given that the building is not to be extended, it is within the residential curtilage of the site and its use would be ancillary to the main household the proposal to convert the building in to living accommodation would not have any detrimental impact on the openness or character of the surrounding Green Belt.

In this instance it is considered that the proposal would comply with NPPF paragraphs 143 to 145, OL1/2 - New Buildings in the Green Belt, OL1/3 - Infilling in existing villages in the Green Belt and Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt.

Visual Amenity and the Conservation Area -

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. As the site is located within Ainsworth Conservation Area it is necessary to consider the proposal in terms of the Town and Country Planning Listed Building and Conservation Act. In this regard proposals should either preserve or enhance the Conservation Area and in terms of policy consideration National Planning Policy Framework paragraphs 189-202 and Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the UDP.

The garage building is not to be extended. There would be external alterations including new UPVC windows and doors and the walls would be rendered to match the existing building and main dwelling. The building is situated to the rear of the property adjacent to the rear garden of 17 Camden Close. It is not visible in the general street scene as it is at the end of a back street, accessible only by the owners of the adjacent properties.

The Conservation Officer has given the following comments;

- The detached garage, by virtue of the evolution of the site layout is considered to be within the domestic curtilage of the dwellinghouse. As such its habitable use does not constitute a material change of use requiring planning permission.
- The garage is sited at the end of an unadopted back alley at the very edge of Ainsworth Conservation Area. It is sited between the rear of a row of terraced cottages fronting Church Street and a late 20th century housing development.
- The building has limited vantage points and is not in the street scene. The proposed external alterations do require planning permission by virtue of the buildings height and proximity to the boundary of the curtilage. The external alterations would improve the visual amenity of the building especially the gable end facing Camden Close, which involves the replacement of the garage door and canopy above it with a single double glazed UPVC window, which is considered to be a vast improvement to the garage door.
- As such the alteration would not cause harm to the character and appearance of the conservation area, so would at least preserve it.

Taking the above in to consideration the proposal to convert the garage in to living accommodation would not have any seriously detrimental effect on the character of the conservation area or in terms of visual amenity.

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.

Residential Amenity -

- There would be no new windows installed to the side elevation adjacent to the shared boundary with 17 Camden Close. As such the conversion of this building would not have any seriously detrimental effect on residential amenity at this property.
- All windows would overlook the applicant's own garden apart from the window to the

- front which would only have views along the back street in front.
- By converting the garage one parking space would be lost on the site. The applicant provided photographic evidence to show that they are able to park a vehicle within the site. The Highways officer was satisfied with this and does not wish to restrict planning the granting of planning permission.
- A condition would be added to the decision advising that the converted garage must not be used as a separate dwelling without applying for planning permission.

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.

Response to neighbour objections -

The Ainsworth Community Association objected to the proposal advising that they feel the development is inappropriate development within the conservation area and would set a precedent to allow similar detached garage conversions.

Every proposal is assessed on its own merits and just because a development may be approved on one site does not automatically mean that another property in the same area would also be granted permission.

Had this building been lower in height then it is likely it could have been converted under permitted development rules. The reason the applicant was required to submit a planning application is due to the height of the existing building and its close proximity to the site boundary. In addition the proposed use of the new space is for a sick relative who is unable to live alone as they require care and monitoring.

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 the drawings received on the 1st and 8th September 2020 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.
- 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

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Extensions to Residential Properties.

- 4 The development hereby approved shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as 51 Church Street, Ainsworth, BL2 5RA.
Reason. To ensure the proposed use remains ancillary to the principle use on the site.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 13/10/2020.		DM	30/10/2020