

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 22/08/2022

Ref:68504/FUL

Registration: 30/05/2022

LDFC: 08/07/2022

Expiry Date: 25/07/2022

Site Visit: 17/06/2022

Site Notice: N/A

Press Date: N/A

Objections: 1

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey extension at rear (retrospective)

Location: 12 Cliff Avenue, Summerseat, Ramsbottom, Bury, BL9 5NT

Description

The application relates to a bungalow with rooms in the roofspace on a residential street within the Greenbelt and bounding Brooksbottoms conservation area to the south. This is one of a group of similar highway fronted south facing bungalows built on this section of Cliff Avenue. The dwellings have front/rear gable ends and some have been extended with dormers containing side windows. The existing property is positioned centrally within the plot which has large front and rear gardens but is tightly constrained by the side boundaries. At the rear alongside the west side shared boundary there is a large movable garden cabinet alongside the boundary and fence approximately 1.7m high albeit positioned down some steps.

The neighbour at Nr.10 (slightly uphill) has an existing single storey conservatory extension at the rear and existing side dormer windows facing the site. The neighbours on the other side at No.2-3 Hill Street (also known as Crag House, and at a lower elevation) are positioned such that their main frontage is west facing (downhill) with the rear (east elevation) being overlooked by the application site. The rear boundary has a substantial amount of shrubbery and countryside beyond.

Planning permission is sought for a single-storey rear extension that would be 4.7m wide, project out 2.98m and have a gable roof. Materials would match existing and accommodate a lounge/ sitting room. There is one new side window proposed along the west elevation which overlooks the rear of 3 Crag House, separated from the shared boundary by a distance of 2.42m.

There would be a separation of 12.3m between the proposed rear extension to the rear boundary, although there is no new boundary treatment proposed.

It should be noted that this is a retrospective planning application following completion approximately April 2022 and the application should therefore be considered as if it doesn't yet exist. It also should be noted that this application has been submitted alongside another application (68503) for a loft conversion with dormer extensions on both sides. Due to the location within the Green Belt it is therefore recommended that the two applications should be assessed together.

Relevant Planning History

68042 - Loft conversion with side dormers - Refused 13/04/2022.

68207 - Detached garage to front of property - Withdrawn by Applicant 23/05/2022.

68503 - Loft conversion with dormer extensions on both sides - Currently under

consideration.

Publicity

Immediate neighbours notified by letter dated 16/06/2022 sent to 6 (six) neighbours. Site notice posted on 17/06/2022. One objection was received.

Objections -

Concerns are summarised below:

- The extension was completed some time ago.
- Overlooking/ privacy.

Relevant concerns of the neighbours have been addressed in this report.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
OL1	Green Belt
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
OL5/2	Development in River Valleys
EN9/1	Special Landscape Areas
EN2/2	Conservation Area Control
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.

Paragraph 145 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) provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation;
 - c) extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;
 - d) replacement of a building, providing 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 community needs under policies set out in the development plan (including policies for rural exceptions sites); and
- 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.

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 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%) 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.

The original dwelling measures 452m³, and proposed extensions include a loft conversion with dormer extensions currently being assessed alongside this application (68503) measuring 72m³, and the proposed retrospective single-storey rear extension would measure 52m³. The proposed extensions combined would measure approximately 124 cubic metres, which would result in total extensions representing an increase of 27.4% on the original building which is below the 33% suggested within SPD8.

In this instance due to the siting and design of the proposed development it is considered that it 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 is a limited extension that would not have an adverse impact on the openness of the Green Belt, or result in a disproportionate addition above and beyond the original (replacement) building and is a limited extension. It is there considered that the proposal complies with the NPPF, UDP Policies OL1/2, and associated guidance in SPD8.

Special Landscape Area

Policy EN9/1 states that any development which is permitted should be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. It is considered that the proposed plans show an extension of an appropriate scale in relation to the main house, proposed to be constructed in matching materials. The proposed rear extension would be similar in style and form to the existing dwelling and will therefore be in keeping with the character of the existing street as a whole.

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.

In terms of design and appearance the proposed extension would be generally in-keeping with the existing house. Situated at the rear, the proposed extension would not be readily visible from the public arena, and its design and scale is generally considered to be appropriate for this property. There is extensive existing tree and shrub planting along the rear boundary and to a lesser extent the west side boundary, although the east side boundary has no natural screening.

The proposed single storey extension would face the rear garden and have a gable roof with pitch 4.67m high (and eaves 2.62m high 2.68m from the shared boundary). This would have a very similar appearance to the existing rear facing gable roof (4.33m high) above the existing kitchen extension but lower than the main roof pitch (6.31m). It is considered that the design therefore creates a degree of consistency and symmetrical balance in overall appearance.

As such the alterations will not look out of place or be out of keeping with the property and therefore accords with both UDP Policy H2/3 and SPD6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

The existing bungalow is located on a steep section of road and the bungalow is considerably higher than the existing dwellings on Hill Street. The proposed single storey

extension would have a window that would overlook the rear gardens of No 3 Hill Street with a separation distance of only 2.42 metres.

There is a large garden cabinet, which is located between the window in the proposed extension and the existing fence, which would be 1.8 metres high. As such, the existing fence would prevent any overlooking into the adjacent garden. On the opposite side of the fence, there is a large area of planting, which is significantly lower than the application site (approx 2 metres). Given the existing 1.8 metre high fence and the difference in levels, the impact on overlooking would be no worse than the existing arrangements and as such, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

The proposed extension would project 3 metres from the rear of the dwelling, which would comply with SPD6.

In terms of the general prominence and impact on daylight the proposed extension is set to the north of the main house and is to the east of 2-3 Hill Street. The proposed extension would have some impact on that neighbour's rear garden in the mornings but although the proposed development is on a higher elevation the fact it would be constructed at ground level means that any overshadowing would not be seriously excessive above and beyond the existing situation.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

No changes proposed. The proposal would not affect the existing parking arrangements above and beyond the current situation. The proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Conclusion

It is considered that the proposed development would be acceptable in terms of the sitting, scale, and design, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies OL1/2, and H2/3 with associated guidance in SPD6. It is recommended that this application should be approved alongside 68503.

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 Drawing 22-01 03. (Proposed Plans and Elevations) as submitted on 30/05/2022 and the development shall not be carried out except in accordance with the drawings hereby approved.

DELEGATED REPORT

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>
SGR - 22/08/2022			