

DELEGATED REPORT

Report by Jane Langan	Date of report: 30/11/2023	Ref: 69885/FUL
Registration: 12/10/2023	LDfC: 28/11/2023	Expiry Date: 07/12/2023
Site Visit: 30/10/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension and loft conversion with rear dormer

Location: 270 Bolton Road, Tottington, Bury, BL8 4JN

Description

The property is a mid terraced house located along the main road through Hawkshaw. It has a garden to the front and the rear is accessed by a back road that runs from the west end of the row. To the rear the site does not have an enclosed yard as some of the properties do. It has a raised hardstanding that is used for parking and there are steps down to the back of the house where there is a small patio and a retaining wall. The neighbouring property to the east side is No.268. It is extended single storey at the rear and also has a raised hardstanding. To the opposite side No.272 is not extended and has a door closest to the party wall side then its main window. It too has a raised parking area. To the rear of the site, across the access road, is open land. The site and surrounding area is within the Green Belt.

The application includes a single storey extension 4m deep across the rear elevation to form a dining room. To the rear roof slope a flat roofed dormer would be added to provide an additional bedroom with ensuite. The front roof slope would have two roof lights and used as an office.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 23/10/23. A further 14 day notification letter was sent 14/11/23 regarding the retaining wall detail added to the plan. No responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

OL1	Green Belt
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, including relevant policies in the emerging Places for Everyone Joint

Development Plan.

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.

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. In addition to this SPD6 states that extensions of existing dwellings in the Green Belt should not result in disproportionate additions over and above the size of the original dwelling. In general an extensions up to a third of the volume of the original dwelling may be acceptable however, each proposal will be considered on its own merits.

Green Belt - The planning statement notes the volume increase to be under a third at 23%. The property sits within part of a terraced row which fronts the main road through the village of Hawkshaw, all of which is washed over by the Green Belt. The proposed extension and dormer would be located to the rear and viewed against the existing building. As such the

proposal would not impact on the basic character and appearance or openness of the Green Belt.

Visual amenity and design - The dormer would be flat roofed and occupy the majority of the rear roof slope with a set in of 0.5m to the party wall sides and 0.2m back from the rear wall. There are two other flat roofed dormers on the row and it is the case that rear dormers can be constructed under permitted development. Materials for the dormer walls would be anthracite grey cladding.

The single storey would have a monopitch roof with door and window to the rear. Materials would be brickwork to match the existing and roof tiles to match the extensions to the adjacent properties. The construction of the extension would require the removal of the hardstanding and the plans note a retaining wall to be constructed adjacent the remaining area of hardstanding.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 2 to 3 and 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 is located on a main road with no off street parking to the front and there would appear no scope for any to be created. To the rear a number of properties, including the site, have created a parking space by leveling the rear yard up to the back access road. The proposal would then see the loss of the parking space. It is the case that the space could be lost should a single storey extension be constructed under permitted development and this is a material consideration. The area has some on street parking and, whilst in a village, there is public transport immediately to the front of the row. Given this, and the fact that there was no off street parking it has been created by a homeowner at some point, it would not be reasonable to refuse the application with regard to parking.

Residential amenity - In relation to the adjoining No.268 the proposed extension would project less than 3m from its rear elevation as extended.

To the opposite side to No.272 has a door closest to the party wall and then one main window. The 45 degree line would be encroached from its mid point but would comply when taking the 25 degree line up. The rear of the terraces are north facing which would result in less overshadowing with the frontages being south facing. A further material consideration is the larger homes scheme which can allow deeper extensions where there are no neighbour objections and none have been received in this case.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal would reduce the outside amenity space at the rear to an area 4.3m wide and 1.2m deep. Whilst a small area it is the case that terraced properties often have small yard areas and it is not considered that there are grounds for refusal in this respect.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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.
- 2 This decision relates to drawings numbered JCBD-23-334 - 1. Rev01, JCBD-23-334 - 2. Rev03, JCBD-23-334 - 3. Rev01 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> JL	<u>Date</u> 30/11/23	<u>Sign off Officer</u>	<u>Date</u>
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