

DELEGATED REPORT**Report by** Amanda**Date of report:** 28/12/2022**Ref:**68917/FUL

Uhunmwagho

Registration: 31/10/2022**LDfC:** 24/11/2022**Expiry Date:** 28/12/2022**Site Visit:** 23/11/2022**Site Notice:** N/A**Press Date:** N/A**Objections:** 0**Con Area:****Adv Type:** N/A**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS**Proposal:** Single storey rear extension and new raised decking and steps to rear garden**Location:** 9 Broad Oak Terrace, Bury, BL9 7ST**Description**

The property is a two storey mid-terrace house in a row of 12 properties. Access to Broad Oak Terrace is through the grounds of Fairfield General Hospital. Broad Oak Wood is situated to the rear (south) of the site with the river Roch beyond. The site is within the designated Green Belt.

To the front of the properties there is an access road and all of the properties have a raised garden area to the front (north) of the dwellings. There is also a rear garden with exiting patio area directly to the rear of the house. The land severely drops at the rear. As such part of the rear garden is at a much lower level accessed via steps from the main patio area. There are fences to all boundaries with planting to both sides.

The proposal is to build a single storey extension and raised decking with steps down to the rear garden area. The extension would project 4m from the original rear elevation and it would measure 4.18m wide. The roof would be flat and there would be patio doors to the rear elevation.

The decking would project a further 5.48m beyond the rear of the proposed extension. It would be built at the same ground level as the dwelling and the existing 1.8m high boundary fences would remain to either side.

Relevant Planning History

11/0176 - Extension - 25/05/2011

15/0141 - Erection of garage - 05/06/2015

15/0163 - Erection of garage - 24/04/2015

Publicity

Neighbours notified on 03/11/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.**Unitary Development Plan and Policies**

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

OL1 Green Belt

OL5/2 Development in River Valleys
EN6/4 Wildlife Links and Corridors

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 surrounding Green Belt.

Principle (Green Belt) -

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 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.

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 within the designated Green Belt. There are many different property size and styles throughout the village, many of which have been previously extended. The agent has provided a Green Belt statement in which they advise the following;

- The volume of the existing property is 268.6m³
- The volume of the existing extension is 24.7m³ (to be removed in order to build the proposed extension).
- The volume of the proposed extension would be 52.7m³
- The proposed volume increase would be 19.6%

Areas to the west, east and south of the site are all within the designated Green Belt. The grounds of Fairfield General Hospital and private nursery school, to the north of the site are not. Broad Oak Terrace is the only residential street in the immediate vicinity but there are hospital buildings to the north along with several large car parks.

The volume increase to the property due to the proposal would be far less than the recommended limit of 33% and the site is situated in a row of residential properties where many have previously been extended to the rear, as well as all of the buildings associated

with the hospital and nursery to the north of site. The extension would be to the rear of the dwelling and would be built within the site boundary.

The proposed decking would be built to the same ground level as the main house on site and as such would not have any significant detrimental impact on the openness of the surrounding Green Belt.

As such 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. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt and it is considered that the proposal complies with UDP Policies OL1/2, SPD8 and the NPPF.

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 extension and decking would be to the rear of the dwelling and as such would not be visible in the streetscape along Broad Oak Terrace at all. To the rear of the site is Broad Oak Woods which screens much of the views of the rear of the site for quite a distance.

The design of the extension would be considered acceptable in this location and the finished materials would match those of the existing property. There are various types of extensions to the rear of properties along this row. It would not appear out of character.

The decking would be a similar size to other areas of decking to properties along Broad Oak Terrace and the proposed materials would be timber. Timber would not be considered to be an unusual material used for the construction of decking and as such would be considered 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.

Residential Amenity -

- There are no properties directly to the rear of the site.
- Neighbours to both sides have existing single storey rear extensions. As the proposed single storey extension would project less than 3m beyond the rear of these extensions it would be considered that there would not be any significant detrimental effect on residential amenity at these properties.
- The proposed decking to the rear would project to a similar point in the rear garden as the adjacent deck/patio areas and the 1.8m high boundary fences would remain. As such there would be no significant detrimental effect on privacy to either of the adjacent gardens.

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 not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to a driveway and garage situated on land to the east of the dwellings on Broad Oak Terrace.

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 1 of 2 and 2 of 2 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 Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 28/12/2022			