

DELEGATED REPORT

Report by Mo Warsame	Date of report: 26/10/2022	Ref: 68745/FUL
Registration: 05/09/2022	LDfC: 28/09/2022	Expiry Date: 31/10/2022
Site Visit: 17/10/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side extension and extended raised decking at rear

Location: 1 Wood Road Lane, Summerseat, Bury, BL9 5QA

Description

Site

The application relates to a two storey, end terraced property located on Wood Lane. The premises has an existing single storey rear extension and Juliet balcony to first floor rear elevation approved under application No.64284. There is a detached garage to the side and beyond an agricultural store building. The premises has garden to the side and rear and is located within a Green Belt.

Proposal

Planning permission is sought two storey side extension and extended raised decking at rear. The proposed side extension would measure 8.45m x 4.26m externally, utilise the use of matching materials, and would have a pitched roof with eaves heights of 5.76m above ground level and a maximum ridge height of 7.0m. The proposal would accommodate additional accommodation, with family room, library and study at ground floor level and principal bedroom at first floor.

Access

The new extension would be located on the side elevation of the property. Pedestrian access would be via the existing front door and a relocated gateway giving access to the rear. Vehicular access would be gained by the current paved area leading to the double garage at the rear.

Relevant Planning History

64284 - Single storey rear extension and juliet balcony to first floor rear elevation - Approve with Conditions 18/07/2019

Publicity

Neighbour letters sent 06/09/2022 - No representations received

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

EN6/4	Wildlife Links and Corridors
EN9/1	Special Landscape Areas
OL1	Green Belt

OL5/2	Development in River Valleys
OL1/2	New Buildings in the Green Belt
H2/3	Extensions and Alterations
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
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.

Principle (Greenbelt)

Paragraphs 143 and 144 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:

- buildings for agriculture and forestry;
- provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation;
- extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;
- replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages;
- 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 with in 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.

A design and access statement has been submitted with the application. This statement states that the volume of the original house is 496 cubic m³. and there has been a previous single-story extension of 68.33 cubic m³ (13.77% increase). The current proposal will add a further 243.12 cubic m³ (49% increase). Therefore, increasing the volume of the original dwelling by 62.77 %. The site is within the adopted Green Belt and the SPD6 for sites within Green Belt considers that upto a third extra can be added without concern subject to specific location and detail. that is not to say that an increase of such volume would not be also be supported.

The proposal does represent a materially larger extension than the one third volume increase generally considered acceptable in SPD6. However, given the development would be two storeys following the profile of the original house with an extension alongside an earlier single story rear extension. There is access to an electricity sub-station adjacent the site and the land beyond is undeveloped. The proposal would not therefore impact on the character or openness of the Green Belt and have little impact on the current street scene, it will not harm the visual impact of the area, or the residential amenities of neighbours.

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.

SPD 6 states, to avoid the appearance of uncharacteristic terracing, the front elevation at first floor level should be set back by at least 1.5 metres from the main frontage of the original dwelling. The proposed extension would not have a set back. However, given that the property is located on the corner within a short row of terrace housing, the proposed development would appear subservient to the main house. As such the proposal would therefore be generally acceptable within this location.

Situated to the side, the development would be visible from the street scene. However, the extension would not be a prominent feature in the street scene and would be a simple and unobtrusive design, which would not detract from the character of the dwelling. The proposed extension would be constructed with materials to match the existing and would replicate the profile of the original property. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed two-storey side extension would not project beyond the building's existing rear elevation or the adjacent property (No. 3 Wood Road Lane). Therefore, there would be no detrimental impact on privacy and overlooking.
- Given, there would be no properties directly to the front, rear, or on the opposite side of the attached No. 3 Wood Road Lane there would be no detrimental impact on daylight as such.
- The extended raised decking to the rear would be acceptable in size and height.
- There would remain an acceptable amount of outdoor private amenity space.
- The applicant has submitted Certificate A.

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

Highway

The proposal would increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This would then require the proposal to provide a minimum of 2 parking spaces. The existing parking arrangements on site would remain as they are now. As such in this instance the parking arrangements are considered sufficient.

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 drawings numbered WRL 01A 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>
25/10/22		DM 26/10/22	