

DELEGATED REPORT

Report by Mo Warsame	Date of report: 05/12/2023	Ref: 70010/FUL
Registration: 04/09/2023	LDFC: 26/09/2023	Expiry Date: 30/10/2023
Site Visit: 13/10/2023	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 extension at side/front

Location: 13 Wood Road Lane, Summerseat, Bury, BL9 5QA

Description

The application relates to a two-storey semi-detached property located on Wood Lane within the Summerseat Green Belt. The premises has a garden to the front, drive to the side and a larger garden to the rear. The attached property is No.15 Wood Road, Woodmill is located on the opposite side and No.11 Wood Road is in front of the house. There are no properties to the rear of the site.

The proposal is to build a single storey extension to the front/side of the existing building. The side element which would be mainly a sitting room would extend 8.5m to the side and run 5.1m, leaving 1.1m setback from the front elevation. The proposed garage would be connected to the sitting room and extend 3.5m beyond the principal front elevation from this point. This part of the extension would continue to run along the shape of the site. The development would have pitched roof that would be hipped and finished in render with stone quoins to the external corners.

Relevant Planning History

None.

Publicity

Neighbour letters sent. No objections 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
OL1/1	Designation of Green Belt
OL5/2	Development in River Valleys
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.

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.

The Green Belt calculations submitted with the application show that the volume of the original house is 178.8 cubic m³. The current proposal will add a further 59.5 cubic m³. Therefore, increasing the volume of the original dwelling by 33.27 %. The site is within the adopted Green Belt and the SPD6 for sites within Green Belt considers that up to a third extra can be added without concern subject to specific location and detail. The proposed development would be slightly over the recommended size. However, the proposal would not impact on the character or openness of the Green Belt and would 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.

Situated to the front and side, the development would be visible from the street scene. However, the proposed development 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 finished in render with stone quoins to the external corners. This is a common design that would be in keeping with the existing 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.

- There would be a sufficient distance between proposed development and the properties to the front. The extension would also be tucked in behind the existing dwelling and therefore, would not be visible from the attached property (No.15).

Furthermore, there would be no properties directly to the rear and there is a sufficient distance to the property to the east of the side.

- The site is surrounded by high scrubs and trees and there would be no proposed side windows. However, there would be one front facing window from the proposed sitting room, but this would not be a primary window. Additionally, this window would be setback from the principal front elevation and as such would not be excessive above and beyond the existing situation. Furthermore, there would be a sizable distance to the rear site boundary and there would no properties beyond. Overall, there would be no detrimental impact on the residential amenities enjoyed by the neighbouring properties and there would remain an acceptable amount of outdoor private space.

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 will not result in any additional bedrooms. Therefore, the proposed parking condition meets the maximum parking requirements.

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 dwg no. AS832 100, dwg no. AS832 101 (P2), dwg no. AS832 102 (P2) 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	05/12/2023		