

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 26/08/2022

Ref:68610/FUL

Registration: 28/06/2022

LDfC: 19/08/2022

Expiry Date: 23/08/2022

Site Visit: 03/08/2022

Site Notice: 03/08/2022

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey side extension

Location: 28 Cleveland Close, Ramsbottom, Bury, BL0 9FH

Description

The application relates to a two-storey detached house within a triangular shaped plot on a residential cul-de-sac of generally similar properties. The building alignment is irregular, there is an existing rear two-storey extension, and there is a side driveway plus detached garage to the SE of the main house, and a neighbours detached garage on the other side at No.29. The site boundary stretches into the Green Belt at the rear southernmost part of the site. Beyond the boundary there is a Public Right of Way, with very extensive trees and shrubbery with no residents directly beyond.

Planning permission is sought for a single-storey extension that would project out 2.36m to the side, be set back from the front elevation by 1.55m and otherwise extend to the rear building line with a hipped roof carried over from the existing single storey roof extension. Materials would match existing. There would be new patio doors proposed plus a dinning window to the rear and a toilet window to the front.

Due to the triangular shape of the plot the side extension is not immediately adjacent to the side boundary, although the existing side fence (1.7m high) would be replaced with a side wall (1.8m) with the applicants own driveway beyond.

Relevant Planning History

62325 - Two/single storey extension at rear - Approved with Conditions 15/02/2018

12/0260 - Change of use of land to residential: high fencing - 27/06/2012

15/0214 - Extension of garden and erection of fencing - 08/06/2015

Publicity

Immediate neighbours notified by letter dated 28/07/2022 sent to 4 (four) neighbours. No representations were received. A site notice was erected at the front and rear of the property on 03/08/2022.

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
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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.

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

Green Belt

Paragraph 149 of the NRE Regulations and privacy notice of the building is in the Green Belt as the appropriate development. The exceptions to this are to be acceptable and complies with

- a) adopted guidelines SP26 Agriculture and forestry;
- b) provision for appropriate facilities (in connection with the existing use of land or a change of use);
- c) The proposed development is acceptable in relation to both unattached neighbours as the proposed extension alteration of a projecting roofline does not create elevations and as such, the proposed extensions would not have the size of the original building, ensuring residential amenity.
- d) replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;
- e) Three additional new windows proposed.
- f) limited affordable housing for community needs under policies set out in the development plan (including general provisions and exemptions) daylight the proposed single storey extension on the partially adjacent to any shared boundaries and is separated from the nearest neighbouring property by use existing detached garages which would not have a greater impact on the openness of the Green belt than the above existing open existing situation.
- The development will 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.
- The applicant has submitted Certificate A.

Policy Q10/2 - New Buildings in the Greater Belconnen Catchment: UDP Policy HT2/3 and the Greater Belconnen SPD provide that new buildings should not be permitted unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing buildings provided that this would not result in disproportionate additions over and above the size of the original building. The proposed extension would not be considered a new building and would not be subject to the provisions of UDP Policy Q10/2. The proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

The proposed scheme does not propose any new structures in the southernmost part of the **Stonewichia** within the Green Belt and currently in use as an extended domestic garden. The proposed development would be considered to be outside the east proposal of the site which is not Green Belt. In the development design, the site is for a development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies OL1, H2/3 and associated guidance in SPD6.

Given the location of the proposal, it is considered that it would not conflict with the surrounding land uses nor would it create harm to the openness or character of the Green Belt.

The proposal is considered to be acceptable and comply with the principles of the NPPF Green Belt policies, Bury UDP Policies, OL1/2 and associated guidance SPD6.

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 scale, design, and appearance the proposed extension would be generally in-keeping with and subservient to the existing house. Situated at the side, the proposed extension would be readily visible from the public arena, although its design and scale is considered to be appropriate for this property and streetscene. Materials would match existing and incorporate a hipped roof. The extensive tree and shrub planting along the rear boundary would further reduce the impact as viewed from the adjacent Public Right of Way.

In this respect the proposed extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

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 2 - Proposed Plan; Drawing 3 - Elevations, Drawing - Existing and Proposed Site Plan as submitted on 29/06/2022 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.
- 4 Before the first occupation of the extension hereby permitted the front toilet window along the front elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
Steven Gunn-Russell	26/08/2022		