

DELEGATED REPORT

Report by Amanda

Date of report: 26/02/2025

Ref:71538/FUL

Uhunmwagho

Registration: 20/01/2025

LDfC: 22/02/2025

Expiry Date: 17/03/2025

Site Visit: 19/02/2025

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 front extension; single storey rear extension and conservatory at rear and first floor window to side elevation

Location: 85 Simister Lane, Prestwich, Manchester, M25 2SU

Description

Planning permission was previously granted at this site in February 2024. This application has been submitted because the applicant wishes to make an amendment to what has already been approved.

The application relates to a previously extended two storey detached house with a conservatory at the rear. There is currently a double garage to the front of the building with three parking spaces to the front garden/drive. At the front there is a small garden area with wall and railings along the front boundary. There is a canopy above the existing garage. At the rear there is a large garden which slopes down away from the dwelling. There is a lot of planting and trees throughout the site and directly to the rear of the site are allotments.

The proposal is to extend the existing property and convert the garage into living accommodation which would be an annex to the existing property for family members. There would be a single storey in-fill extension to the front, single storey extension to the rear and a conservatory at the rear. At the front the extension would be built beneath the existing canopy which runs across the front of the property. It would be built flush to the existing front elevation and would have an entrance door and two windows to the front.

The rear conservatory would measure 6025mm x 5213mm and it would have doors to the rear elevation. The drawings show that the windows on the east side elevation would be obscurely glazed and unopenable upto an internal height of 1700mm.

In between the new conservatory and the existing conservatory there would be a single storey extension. It would measure 1910mm x 5562mm and the roof would be mono-pitched with two rooflights.

Relevant Planning History

51838 - Conservatory at rear - Approve with Conditions 11/11/2009

70308 - Single storey front extension; single storey extension and conservatory at rear. - Approve with Conditions 07/02/2024

Publicity

5 neighbours notified on 31/01/2025 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
OL1	Green Belt
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework
PFE	Places for Everyone

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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)

Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' 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.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

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 Statement submitted with the application, concludes that the proposal would result in additions of over a third and as such as set out 3 cases for VSC.

The agent has advised that as the property has been previously extended the additional extensions would equate to more than the usual 33% volume increase recommended in SPD 8. However, all of the extensions would be single storey only and the one to the front would in-fill a small covered area to the front of the existing garage, squaring the property off at the front. It would not project forward of the existing front elevation.

At the rear there would be a new conservatory added to the east side of the rear elevation with a single storey extension in between that and the existing conservatory. In terms of the impact on the openness of the surrounding Green Belt the extensions would be relatively small additions to the existing property which is set within a very large site. The whole of Simister Village is within the designated Green Belt and there are many different sizes and style of properties throughout the area.

As the extensions would be single storey only and would be built wholly within the residential curtilage it is considered that the extensions would not be considered to be disproportionate additions to the existing dwelling and would therefore not have a significant detrimental impact on the openness of the Green Belt complying with the policy considerations set out above.

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 proposed extensions and conservatory would be built with materials and a style that would be considered to be in keeping with the existing building. As the front extension would not project forward of the existing front elevation it would not cause any significant detrimental harm to the existing streetscene.

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 -

- The proposed front extension would be built underneath an existing canopy to the front of the garage. It would provide a new entrance and ground floor wc to a new lounge. This area would be converted into an annex for family members. As such the front extension would be a sufficient distance from properties on the opposite side of Simister Lane not to have any significant detrimental effect on residential amenity.
- There would be a new window installed to the west side elevation which would face onto the blank side elevation at no.83 next door. There is an access path at the side of no.83 but no useable amenity space. This neighbour has not objected to the proposal. The proposed drawing shows that a fence would be erected along the shared boundary measuring 1.7m high so that views from the new lounge window would be directly onto the boundary fence and not over land at no.83 next door. As such there would be no significant detrimental impact on residential amenity at no.83 Simister Lane.
- There are no residential properties directly to the rear of the site and the single storey extensions would be more than a sufficient distance to the rear boundary in terms of SPD 6.

- On the east side elevation of the conservatory the windows would be obscurely glazed and unopenable upto an internal height of 1.7m from floor level so there would be no concerns regards loss of privacy at no.87 next door. A condition would be added to ensure this remains at all times in the future.

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. However, as the existing garage would be converted into living space two parking spaces would be lost. As there would still be three parking spaces within the site it is considered that the parking arrangements would be acceptable in this instance.

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 85SL/20 and 85SL/21 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 in terms of visual amenity, and Places for Everyone Joint 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 conservatory hereby permitted the windows on the east elevation shall be fitted with obscured glazing, be unopenable below an internal height of 1.7m 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>
AU	26/02/2025	DM	03/03/2025