

DELEGATED REPORT

Report by Amanda

Date of report: 12/12/2023

Ref:69923/FUL

Uhunmwagho

Registration: 29/09/2023

LDfC: 27/10/2023

Expiry Date: 24/11/2023

Site Visit: 16/10/2023

Site Notice: N/A

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: First floor side extension; garage conversion to habitable space; raise roof ridge height, loft conversion with rear dormers; front porch; electric gate on front boundary and elevational changes to existing facade/windows

Location: 73A Simister Lane, Prestwich, Manchester, M25 2SU

Description

The application relates to a two storey detached house located on Simister Lane. The dwelling has an existing single storey garage to the side, and pitched roof porch canopy to the front elevation. The front, and front side boundaries are depicted by a low level brick wall. Parking and an area of garden space are located to the front of the dwelling. An area of private amenity space is located to the rear of the property that slopes away from the property. There is an existing glazed balcony to the first floor on the rear elevation.

The site is located within the Green Belt.

Planning permission is sought for the construction of a first floor side extension that would project above the existing ground floor garage which is proposed to be converted into habitable space. Permission is also sought to raise the ridge height by 900mm to create a loft conversion with the provision of 3no. pitched roof rear dormers. Elevational changes to existing facade/windows and an electric gate reaching a height of 950mm to the front boundary are also proposed.

Relevant Planning History

21711 - Front canopy - Approved 15/11/1988

Publicity

8 neighbours were notified on 05/10/2023 - Comments were received from two neighbours.

- My only observation from the proposed plan is to make sure there is room for all the residents' cars to be parked on the property as this part of the lane only has pavement on one side.
- Simister Lane (SL) is approximately 6m wide with a 1.5m footway. Section 5 of the application notes "NO" for "altering the vehicular access". This contradicts dwg 745-207A, inclusion of a new sliding metal gate on the boundary. How will this gate be operated to ensure free flow of (SL). If electronic it could take a significant time to open, vehicles would need to wait on (SL)
- There are no details provided for on site storage for skips & materials and no details of how deliveries will be undertaken and managed. Pedestrian & vehicular use of (SL) and time to be considered
- There are no details of where site work vans will be parked. Access to adjacent and opposite properties needs to be maintained.

- Side of House proximity to the adjacent property is 3m. There is no indication within the application of how the side elevation will be safely demolished / built.
- The new South facing Skylights these could reflect. Are these all/any reqd?

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 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.

The planning statement included with the application states that the extension would be 30% which would be within the 33% limit as set out in SPD 8, however SPD 8 confirms that even an increase of a third may not be appropriate in certain situations.

There are no specific tests on openness set out within the NPPF, however the consideration of issues such as building volumes and footprints, landscaping and design features have all been key in assessing the impact on the openness of the Green Belt and

have been tested through case law. The Court of Appeal judgement *Turner v Secretary of State* 2016 at para 14 states "The concept of openness of the green belt is not narrowly limited to volumetric approach..... (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspects which the Green belt presents."

It is considered that additions to buildings within the Green Belt should be limited to subsidiary elements of the original building, and should be simple and unobtrusive in design to ensure that they do not result in disproportionate additions over and above the original dwelling. The proposal as set out would result in significant additions to the side of the dwelling, as well as an increase in height. The projecting front gable when combined with the raised ridge height. Given the scale and design of the proposed additions it is considered that the extensions would not be subsidiary to the main property and as such would be disproportionate.

Whilst noted that the whole of Simister Village is located within the Green Belt this policy helps to ensure that the important gaps, and forms of buildings within this sensitive location are adequately assessed and do not lead to encroachment of suburban forms of development into rural areas. When viewed in relation to the directly facing row of dwellings, which are bounded by residential development that may lead to the acceptance of larger extensions, this particular row of dwellings backs onto an area of tree'd open land and it is considered that the open space between the dwellings within the particular row, and at first floor above the garage are important to the street scene providing glimpses of the land and trees to the rear. These gaps are particularly important within a Green Belt site and help to break up the ribbon of built development, transitioning into the open space to the rear.

It is considered that the extent of the proposed extensions would exacerbate the increased scale of the dwelling, leading to the creeping loss of Green Belt that the policies set out above seek to avoid and as such would not be acceptable in terms of impact on the openness of the Green Belt. As such, whilst the proposed extensions may comply with the 33% set out within SPD 8 it is considered that the proposed development by virtue of its scale, location and design would lead to inappropriate development within the Green Belt that erodes the character of the property in question and the openness of the surrounding area. The proposed extensions would result in a disproportionate addition over and above the size of the original dwelling and subsequently harm the openness of the Green Belt and is therefore contrary to UDP Policies OL1/2, SPD 8 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 dwelling is located within the middle of a row of three dwellings, of the same style and appearance. It is noted that there are various different styles of properties along Simister Lane however traditional scales, forms and massings are replicated.

SPD 6 confirms that proposals to increase the height of a house or bungalow by extending the roof can appear incongruous and will be assessed on its impact on the character of the street scene. The proposed raise in ridge height would create a top heavy dwelling that would be sited above the ridge of the neighbouring properties. The creation of a top heavy dwelling, would create a roofscape that is not in scale with the established dimensions/heights of the first and ground floor leading to a roof extension that is out of scale with the dwelling. Whilst acknowledged that the property is sited within a relatively short row given that there are only 3 properties of this style it is considered that raising the ridge height of the central property would appear at odds with the neighbouring properties and would therefore have a detrimental impact on the street scene.

Whilst the proposed side extension would include a projecting gable that mirrors the design of the existing, and neighbouring properties it is considered that the additional scale and massing of this proposed extension is out of keeping with the host property and the neighbouring properties. Combined with the raise in ridge height this side extension would be overly dominant and visually intrusive to the detriment of the existing and neighbouring properties.

No objections are raised to the introduction of the sliding gate which appear to be within the limits of permitted development.

Dormers are not a feature within the streetscene however the proposed dormers would be located to the rear of the property. The proposed dormers would be approximately 2.4 metres in width and are suitably aligned with the first floor window configuration. The proposed window openings however are narrow and therefore make the dormers appear oversized. This however is a minor design detail that could be overcome with the submission of amended drawings and would warrant refusal of the scheme.

It is considered however that on balance, the design and scale of the proposed extensions is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflict with UDP Policies H2/3 and SPD 6.

Residential Amenity

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

There are no residential properties to the rear of the site. The proposed first floor rear window for bedroom 4, and the amended window arrangement for bedroom 3 within the existing rear elevation would be located over 7 metres from the directly facing boundary complying with aspect standards. The balcony for bedroom 2 is proposed to be removed. The proposed dormers would be located over 10 metres from the directly facing rear boundary complying with aspect standards. The proposed rear ground floor windows would relate to non-habitable rooms and therefore aspects have not been applied.

There are no first floor side windows proposed facing towards No. 75. The proposed ground floor side door would relate to a non-habitable room (store) and as such aspects have not been applied.

There are no first floor side windows proposed facing towards No. 73. The proposed ground floor side window would be a secondary window relating to a non-habitable room (utility) and as such aspects have not been applied.

The proposed first floor front window would relate to a non-habitable room (walk in wardrobe) and as such aspects have not been applied. The location of the window for bedroom 1 would be retained as existing and the window for bedroom 4 would be removed and replaced with a non-habitable room (bathroom). The proposed front ground floor lounge window would be retained as existing. The reconfiguration of the ground floor entrance would introduce a single central door. The proposed ground floor playroom window would be separated from the directly facing properties by a highway and parking area. In addition the garage conversion to living space could be completed under permitted development rules. As such no undue overlooking is foreseen.

Due to the nature of rooflights, no undue overlooking is foreseen.

The proposal would not introduce any extensions that would project beyond the principal front and rear elevations of No. 73 and No. 75 Simister Lane.

The proposal to raise the ridge height would result in the building being approximately

900mm higher than the properties to either side of the site. As the proposal would not project beyond the existing front and rear elevations of the neighbouring properties it is considered that raising the ridge on the application property would not have any significant detrimental effect on residential amenity at No. 73 and No. 75 Simister Lane.

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 increase the number of bedrooms from 4 to 6. When additional bedrooms are being created, SPD 6 requires the parking standards as set out within SPD 11 to be considered. SPD 11 confirms that garages are not included within parking standards.

SPD 11 would require a maximum of 3no. spaces for a 6 bed property. 3no. spaces are shown on drawing 745-207B and as such the proposal would comply with SPD 6 and SPD 11.

Response to neighbour comments

With regards to parking on Simister Lane although the road is narrow there are no parking restrictions in place meaning vehicles could park there at any time.

An email was sent to one neighbour on 13/11/2023 addressing their comments;

- The proposed gate could be installed under permitted development rules and as such there would be no reason to refuse it.
- With regards to concerns about the storage of materials during the building works, a condition could be added to the decision to ensure all building materials etc would remain within the site.
- They have concerns about where builders will park vans and advise access to properties opposite should be retained. If there are concerns about parking on the highway whomever is concerned would need to speak with the relevant person on site. If there are persistent problems they would need to contact the Highways department at the Council.
- They were advised that a Building Control officer would oversee and inspect the works throughout the build.
- They were also advised that the rooflights could be installed as permitted development and therefore there would be no reason to refuse them as part of the proposal.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development by virtue of its scale, location and design would lead to inappropriate development within the Green Belt that erodes the character of the property in question and the openness of the surrounding area. The proposed extensions would result in a disproportionate additions over and above the size of

the original dwelling and subsequently harm the openness of the Green Belt and is therefore contrary to the following policies of the Bury Unitary Development Plan:
OL1/2 - New Buildings in the Green Belt and associated Supplementary Planning Document 8: New Buildings and Associated Development in the Green Belt and the National Planning Policy Framework.

- 2 The design and scale of the proposed extensions is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated 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>
HP 12/12/2023			