

DELEGATED REPORT

Report by Tom Beirne	Date of report: 12/12/2023	Ref: 70152/FUL
Registration: 09/10/2023	LDFC: 08/11/2023	Expiry Date: 04/12/2023
Site Visit: 31/10/2023	Site Notice: 31/10/2023	Press Date: 26/10/2023
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey/single storey rear extension; Detached garage

Location: Four Acre Cottage, Harwood Road, Tottington, Bury, BL8 3PT

Description

The application relates to a detached rendered residential property with a slate roof, set back from Harwood Road to the east and accessed from a long sweeping shared driveway that rises up from the road.

The immediate neighbour, Four Acre Farm, is a detached stone-built property sited directly west of the application property. The neighbour has 2No large out-buildings to the north-west of the main property, at the end of the driveway.

The site is located within the Green Belt, West Pennine Moors and a Special Landscape Area. The area is characterised by a mix of agricultural and residential uses. There is a public footpath that runs from Harwood Road, up the driveway and through the site (65TOT).

The proposed development comprises of 2No elements:

- Demolition of existing single storey rear extension and erection of a two-storey staggered rear extension
- detached garage

The revised extension has been pulled away from the shared boundary with the immediate neighbour and at ground floor would project out 5m and run 8.2m across the rear elevation. The first floor would project out 3m to leave a flat roof area with glazed lanterns over the ground floor. It would be finished in coursed stone at ground floor and rendered at first floor. The dual pitched roof would be finished with natural grey slate to match the house and all fascias and rainwater goods will be black uPVC to match existing.

The volume calculations submitted by the applicant for the extension are as follows:

Existing house volume 1,144.6m³

Proposed extension volume 197.8m³

Increase of 14m³ and a volume of 17.3%

The proposed detached double garage would have a footprint 6.4m by 6.1m. It would be clad in timber with a pitched roof with grey concrete tiles. The roof would have a maximum pitch to 3.6m with eaves to 2.2m.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by 18/10/2023. Site notice posed 31/10/2023 and press notice dated 26/10/2023. No objections received.

Statutory/Non-Statutory Consultations

Public Rights of Way Officer - No comment.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN1/1	Visual Amenity
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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.

Policy - H2/3 - Extensions and Alterations. Applications for house extensions and alterations will be considered with regard to the following factors:

- a) the size, shape, design and external appearance of the proposal;
- b) the character of the property in question and the surrounding area;
- c) the amenity of adjacent properties;
- d) visibility for pedestrians, cyclists and drivers of motor vehicles.

EN1/1 - Visual Amenity

Development will not be permitted where proposals would have a detrimental effect on:

- a) public views of prominent or important buildings, especially those in areas of architectural or historic interest;
- b) the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

OL1/2 - New Buildings in the Green Belt. The construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- a) agriculture and forestry (except where permitted development rights have been withdrawn);
- b) essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of Green Belt and which do not conflict with the purposes of including land in it;
- c) 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, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- d) limited infilling in existing villages as set out under Policy OL1/3.

EN9/1 - Special Landscape Areas. In Special Landscape Areas, any development which is permitted will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas.

OL7/2 - West Pennine Moors. Throughout the area of the West Pennine Moors, as defined on the Proposals Map, the Council will control development and manage recreational activity and public access, so as to reduce any possible detrimental effects these may have on the important character of the area. In considering proposals for development particular regard will be had to the effect on the following:

- a) agriculture and forestry;
- b) water catchment;
- c) settlements;
- d) landscape character;
- e) ecological and geological features;
- f) archaeological and historic features.

Green Belt - The application is accompanied by a Green Belt statement, setting out volume calculations and a Green Belt justification summarised below:

- The extension with a 17% increase in overall volume is in proportion with the existing property and sits comfortably within the site and would not be visible from the public highway.
- Design is in keeping with the existing house.
- Extension would satisfy the 45 degree rule.

- The garage is modest in scale and also proportionate to the existing dwelling. It appears subservient and clad in timber to provide an agricultural aesthetic.

With regard to the 17% increase in volume, it is noted that the existing flat roof single storey extension on the rear was likely built post 1948, the volume increase would still be less than 30% of the total original volume. The extension is on the rear and would not be particularly prominent within the surrounding area.

The proposed garage would be sited next to a small copse of trees and would not be particularly prominent. In terms of Green Belt policy the extension and the garage would not have a significant impact on the character and openness of the Green Belt and complies with the NPPF and UDP Policy OL1/2 with regard to extensions in the Green Belt.

Visual amenity - In terms of design and appearance, the revised extension on the rear of the house, would be generally in keeping with the existing house and not particularly prominent when viewed from the main highway along Harwood Road. It would be finished in a mix of course stone (ground floor) and render (first floor) which reflects both the existing house and immediate neighbour. The development would be viewed from the public footpath that runs along the driveway and through the site however the extension would be seen within the context of the existing dwellings and would not have a significant impact on visual amenity.

The garage too is modest in size, timber clad and would be viewed within the context of the residential site. Sited next to trees, the garage would not appear prominent or incongruous within the landscape.

The proposal, in terms of visual amenity, would be acceptable and comply with UDP Policies OL1/2, and H2/3 and associated guidance within SPD6 relating to extensions and alterations.

Residential amenity - The garage, situated across the driveway on the existing parking area would not have any impact on residential amenity.

The rear extension would be set away from the shared side boundary 1m with the nearest neighbour at Four Acre Farm and with a section of the extension being single storey, it would not have a significant impact on neighbour amenity. It is noted that the neighbour has not objected.

The proposed extension and garage would comply with UDP Policy H2/3 and guidance in SPD6 in relation to residential amenity.

Parking and Access - The garage would be located adjacent to the existing parking area and the extension would be on the rear patio. Neither structure would not obstruct the route of the public right of way or raises any traffic issues.

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 2301-001, 002, 003, 101A, 102A, 103A and 201A 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 Details/Samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy H2/3 Extensions and Alterations.
- 4 The proposed flat roof above the ground floor extension shall not be used as a balcony.
Reason. To avoid direct overlooking in the interests of Residential amenity pursuant to UDP Policy H2/3 and guidance in SPD6 Alterations and Extensions.
- 5 The garage hereby approved shall not be converted to additional living accommodation without the written approval of the Local Planning Authority.
Reason. To ensure adequate car parking provision is retained pursuant to Policy H2/3 -Extensions and Alterations of the Bury Unitary Development Plan and Associated DC Guidance Note 6- Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>