

**DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 07/01/2025

**Ref:**71367/FUL

Uhunmwagho

**Registration:** 22/11/2024

**LDFC:** 23/12/2024

**Expiry Date:** 17/01/2025

**Site Visit:** 11/12/2024

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 0

**Con Area:** N/A

**Adv Type:** NONE

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Erection of single storey Garden Room.

**Location:** Shaunings Cottage, Bolton Road, Tottington, Bury, BL8 4JA

**Description**

The application relates to a stone built two storey, detached property. It is situated just outside of Hawkshaw Village and is within the Green Belt, West Pennine Moors and comes under Development in River valleys. It is not in a conservation area and the building is a Non-designated Heritage Asset (NDHA).

Shaunings Cottage is adjacent to two other properties known as Loe Bank Farm House and Loe Bank Bungalow. Both these properties are stone built and are also NDHAs. The front elevation of Loe Bank Farm House to the north faces on to the side elevation of the application property and they have a driveway adjacent to the driveway on site.

The application property is a stone built two storey house which has been previously extended. There is an entrance to the front of the dwelling with porch and also an entrance to the north side elevation. The whole of the front of the site is hardstanding with a small area of planting to the side of the porch and along part of the front boundary. There is existing parking to the front/side of the property for at least three vehicles.

At the rear of the property the garden has two levels with patios at the same level as the dwelling with steps leading to a lower area to the south and south west of the site. There are lots of mature planting and trees to the south and west boundaries, and to the south of the dwelling is a large shed.

The property is positioned to the north of Bolton Road which is a well used main road. The property is raised to the highway but due to planting and trees throughout the site the property is not fully visible from the main road below. The property is surrounded by open fields and the closest property to the rear is well over 20,000mm away.

The proposal is to remove the existing shed and build a detached garden room, with shower room to the south side of the main dwelling. It would measure 7100mm x 4800mm and the roof would be pitched to match the building with the shower room to the rear having a flat roof. The roof would be constructed from corrugated concrete boards, walls would be Larch cladding and the window frames would be timber to match the walls.

**Relevant Planning History**

- 02012/E - First floor side extension, single storey rear extension and conversion of existing detached garage - Enquiry completed 03/08/2017
- 62160 - Demolition of existing single storey rear extension and conservatory and erection of first floor side extension and single storey rear extension and attachment and conversion of existing detached garage - Approve with Conditions 20/12/2017

## **DELEGATED REPORT**

- 62633 - First floor extension to side elevation; Demolition of existing single storey rear extension, conservatory and detached single garage and the erection of new single storey rear extension - Approve with Conditions 18/05/2018
- 02905/E - Construction of two storey rear extension and single storey side extension. - Enquiry completed 17/11/2023
- 03021/E - Replacement of Garden Shed with Garden Annex - Enquiry completed 07/11/2024
- 70338 - Enlargement of two window openings to rear elevation - Approve with Conditions 27/03/2024

### **Publicity**

3 neighbours notified on 03/12/2024 - No comments or objections received.  
Site notice put up on 11/12/2024.

### **Statutory/Non-Statutory Consultations**

Public Rights of Way Officer - Requested that the PROW number 7 should be shown on the proposed drawings. No comments received following receipt of the revised drawing.  
Conservation Officer - No objections.  
Planning Policy Manager - No comments or objections received.

**Pre-start Conditions** - Not relevant.

### **Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| SPD8  | DC Policy Guidance Note 8 - New Buildings in the Green Belt |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| H2/3  | Extensions and Alterations                                  |
| EN9/1 | Special Landscape Areas                                     |
| OL1   | Green Belt                                                  |
| OL7/2 | West Pennine Moors                                          |
| 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, as well as the impact on the openness of the surrounding Green Belt and the impact on the NDHA.

**Principle (Green Belt) -**

Paragraph 153 states, 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 154 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.

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.

There are no Green Belt calculations included with the application. The application is for a detached timber garden room and there would be no extensions to the main dwelling. The existing extensions to the main dwelling would equate to more than the recommended 33% volume increase as stated in SPD 6, and the new outbuilding would only add to that. However, the site is quite large with a lot of garden area surrounding the dwelling and the site of the proposed garden room.

The garden room would be partially visible from driveway to the north and the access road/footpath to the east side. However, it would be well screened in amongst existing trees and other planting to the south side of the property and more than 20,000mm from the highway. The structure would also be finished with materials that would be expected on rural outbuildings. As such it is considered that there would be no detrimental impact on the openness or character of the surrounding Green Belt.

#### **Heritage -**

Shaunings Cottage, along with two neighbouring properties, Loe Bank Farm House and Loe Bank Farm Cottage are non-designated heritage assets (NDHA) and are on the local draft list as buildings of historical importance. As such any development at these sites need to be carefully considered. The main dwelling on site has been significantly extended and the garden room would be positioned to the south side of that. The garden room would be constructed from materials and with a design that would not be considered unusual in this particular area and it would remain subservient to the main dwelling on site. As such it would not have any significant detrimental impact on the character of the existing dwelling. The conservation/heritage officer was consulted and they have no objections to the proposal.

#### **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 garden room would be constructed with a timber finish, which would not be an uncommon feature in terms of a rural outbuilding. It would also be around 20,000mm set back from the highway and well screened by trees and planting within the site. The structure would be partially visible from the north and east sides, but most of the building would be screened by the boundary fence. As such it is considered that there would be no significant detrimental effect on the character of the existing streetscape. The design of the proposal is considered acceptable in this location.

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, and Places for Everyone Joint Development Plan listed.

**Residential Amenity -**

- There are no residential properties within 20,000mm to the south, east and west of the area where the garden room would be built.
- As the garden room would be built on the south side of the application dwelling there would be no significant detrimental impact on residential amenity at Loe Bank Farm House to the north.
- The separation distance from the garden room to Loe Bank Bungalow to the east would be acceptable in terms of SPD 6 and there is an access road separating the two sites.
- The garden room would not impact on existing parking arrangements on site.
- The whole of the development would take place within the residential curtilage.

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. The parking arrangements would remain as existing where there is parking to the front and north side of the dwelling.

**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 numbered 23/644.SLP received on 03/12/2024, drawing numbered 23.644.19(A) received on 05/12/2024 and drawing numbered 23.644.20 (A) received on 06/01/2025 as modified by the email from John Holt Architects Ltd dated 05/12/2024 and 06/01/2025. The development shall not be carried out except in accordance with the details 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 be Larch cladding to the walls, timber framed windows to match the cladding and corrugated fibre cement boards to the roof as noted on the proposed drawing and application form.

## **DELEGATED REPORT**

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.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| AU - 07/01/2025     |             | DM 7/1/25               |             |