

DELEGATED REPORT

Report by Amanda

Date of report: 03/04/2025

Ref:71609/FUL

Uhunmwagho

Registration: 28/02/2025

LDfC: 29/03/2025

Expiry Date: 25/04/2025

Site Visit: 07/03/2025

Site Notice: N/A

Press Date: 06/03/2025

Objections: 0

Con Area: N/A

Adv Type: ARW

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Partial demolition of existing rear outrigger and erection of two storey rear extension with first floor Juliet balcony and decking area; External alterations and new first floor window to side elevation

Location: 391 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0ER

Description

The application relates to a two storey end terrace house on Whalley Road, Ramsbottom. At the front there is a small walled garden with pedestrian access to the dwelling. There is a out-rigger to the rear which is a kitchen and a small yard area. The land drops in level at the rear so there is also a lower level communal courtyard with private garden areas beyond. The site has parking to the side of the house along with a garage.

The proposal is to partially demolish the existing outrigger and build a two storey rear extension with a first floor Juliet balcony. There would be a new decked area and external alterations as well as new first floor window to the side elevation. The extension would be rendered to match the existing dwelling.

Relevant Planning History

N/A

Publicity

3 neighbours notified on 03/03/2025 - No comments or objections received.

Site notice erected on 07/03/2025.

Statutory/Non-Statutory Consultations

Public Rights of Way Officer - No comments received.

Pre-start Conditions - Not relevant.

Development Plan and Policies

OL5/2 Development in River Valleys

OL1/1 Designation of Green Belt

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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 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 agent has advised that the proposal would equate to less than the recommended 33% as stated in SPD 8. In addition the proposed extension would be built directly above the existing rear extension, so it would not extend the dwelling out any further than it is currently. There would be a new area of decking to the rear of the property which would be within the applicant's own yard area. All of the development would be within the residential curtilage.

It is considered that the extension would not be considered to be a disproportionate addition 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.

In order to gain the internal height required to the first floor extension the top of the extension would be built right up to the eaves of the main roof. This means that the extension would have a flat roof. Given the dwellings position on the end of the row of houses and that there is a public footpath adjacent to the site, the rear of the building would be visible from the public realm. Planning permission has been granted for two dwellings to the side of the site which would screen some of the views of the property from Whalley Road.

Although a flat roof design may not be ideal there are extensions to the rear of properties along this row of terraces that also have flat roof extensions (albeit they are single storey). The design of the proposed flat roof extension would be considered to be in keeping with the neighbouring dwellings. The proposed windows to the rear elevation would be considered to be a more modern addition to the property, but they would also be similar to openings on the adjacent properties.

The proposed render finish to the walls would be considered to be in keeping with the existing building.

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 directly to the rear of the site.
- The extension would be built on the north side of the dwelling above an existing extension. As it would be set away from the shared boundary with no.389 Whalley Road and the site is due north of this property it is considered that the proposed extension would not have any significant detrimental effect on residential amenity at no.389, or its garden areas.
- To the north of site there is currently a car park and 6 garages. Planning permission has been granted at this site to build two residential dwellings. The separation distance between the proposed extension and where the new dwellings would be built would be acceptable in terms of SPD 6.
- As the extension is at first floor level there would be no significant detrimental impact on existing parking arrangements within the site.
- There would be one new first floor bathroom window to the side elevation. As this would be a bathroom it is likely that the glazing would be obscured, but a condition would be added to the decision to ensure that this window would remain with obscure glazing in perpetuity.

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 side of the property.

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 Q1452 01 Rev A 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 03/04/2025		23/04/25 DM	