

**DELEGATED REPORT**

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|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Claire Booth   | <b>Date of report:</b> 08/01/2024 | <b>Ref:</b> 70227/FUL          |
| <b>Registration:</b> 16/11/2023 | <b>LDfC:</b> 19/12/2023           | <b>Expiry Date:</b> 11/01/2024 |
| <b>Site Visit:</b> 28/11/2023   | <b>Site Notice:</b> 28/11/2023    | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Demolish existing conservatory and replace with single storey rear extension

**Location:** 7 Arthur Lane, Ainsworth, Bolton, BL2 5PW

**Description**

The application relates to the northern end of a pair of red brick two-storey semi-detached dwellings located on the west side of Arthur Lane, Ainsworth. The first floor is pebble dashed. The property has a conservatory addition to the rear, approved under application 58337.

The site is located within the boroughs Green Belt, and within a Special Landscape Area, as defined on the Proposals Map associated with the adopted Local Plan, Bury Unitary Development Plan.

The proposed development is for a single storey extension across the whole of the rear elevation which would involve the demolition of an existing conservatory. The proposed extension would project from the rear elevation of the dwelling by approximately 3.0 metres and would have a flat roof.

**Relevant Planning History**

38337 - Two storey side extension and rear conservatory. Approved with conditions, 23/10/2001.

54601 - Formation of horse exercise arena/manege - Approve with Conditions 08/12/2011

70142 - Conversion, extension and alteration of stable block to form 1 no. dwelling and demolition of associated outbuildings - Under consideration.

**Publicity**

The adjoining neighbour has been notified about the application by letter. A site notice has also been erected to the front of the site on the 28/11/2023.

No representations have been received by the time of writing this report.

**Statutory/Non-Statutory Consultations**

Not applicable.

**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 |
| EN9/1 | Special Landscape Areas         |
| EN1/1 | Visual Amenity                  |

|      |                                                             |
|------|-------------------------------------------------------------|
| 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 issues in consideration of these proposals are:

- (i) whether the proposal is inappropriate development in the Green Belt including its impact

upon openness,

(ii) the effect of the proposal upon the character and appearance of the area and

(iii) if the proposal is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances to justify development.

*Whether inappropriate development*

Saved Policy OL1/2 of the Bury Unitary Development Plan (UDP) states that the construction of new buildings inside the Green Belt is inappropriate development, but it does allow as an exception, limited extensions provided that they are not disproportionate to the size of the original dwelling.

The Council's Development Control Policy Guidance Note 8: New Buildings and Associated Development in the Green Belt (2007) (SPG) provides further guidance on such proposals and states:

*"Extensions*

*Residential extensions should be proportionate to the size of the original dwelling, excluding any previous extensions carried out under permitted development rights or with planning permission. In general terms, the Council may allow an extension to be up to a third of the volume of the original dwelling. However, each proposal will be considered on its own merits and even an increase up to a third may not be appropriate in certain situations (e.g. if the site is a particularly sensitive area or if there are other amenity issues).*

*If an addition to an already converted building is required, the extension should be a subsidiary element of the original building. Extensions should be small scale, of a simple design and unobtrusive. Acceptable designs could include single storey, lean-to gable end or flank extensions.*

*Proposed materials and finishes to walls and roof should be identical or similar to the existing. Features such as windows and doors should also be complimentary in scale to existing."*

The National Planning Policy Framework December 2023 (the Framework) considers that 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt' (Para. 154). However, it permits certain exceptions, with paragraph 154(c) including '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'.

The Framework does not define what constitutes a disproportionate addition but within its Glossary does define what should be considered the original building, with it stating:

***"Original Building*** - *A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally."*

Under application 01/38337 approval was granted in 2001 for a two-storey side extension and a rear conservatory. The development has been implemented and therefore the original dwelling was as the property stood prior to the two storey side extension and rear conservatory being added to the property.

The extension and conservatory would approximate to between a third and a half by volume of the original dwelling. The Framework permits extensions in the Green Belt so long as these 'would not result in disproportionate additions over and above the size of the original dwelling'. SPG8 defines it as 'in general terms, the Council may allow an extension to be up to a third of the volume of the original dwelling. However, it further states that each proposal will be considered on its own merits

In this case, the extension would be to the rear of the dwelling and in mid range views from

Arthur Lane would be largely hidden from the public domain although the gable end of the property and the gable of the proposed extension would be visible from Arthur Lane. As the extension proposed would appear subordinate to the host dwelling it would not have an adverse impact upon openness or the purposes of the Green Belt. In such circumstances, it would not be disproportional to the original building.

***Landscape Character and Visual Amenity***

The property is located within the countryside, designated as both Green Belt and a Special Landscape Area. UDP Policy EN9/1 (Special Landscape Areas) states:

*"In those areas identified on the Proposals Map as 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."*

The property is visible in views from Arthur Lane, when travelling towards Bury Old Road. As stated previously the design of the proposed extension would appear a subservient addition and provided matching matching brick material is used, which can be secured via planning condition, the proposal would not harm the host property or visual amenity. As such the proposal is considered to be in accordance with UDP policies EN1/1 (Visual Amenity) and EN9/1 (Special Landscape Areas).

**Residential Amenity**

In relation to No.5 Arthur Lane to the west side the proposed extension would accord with SPD6 as it would extend no further than 3.0 metres and would therefore not encroach a 45 degree line from the mid point of its ground floor rear windows. Single storey extensions at 3.0 metres deep can also be permitted development and the larger homes scheme can allow deeper. Due to the above, there would then be no serious impact on the amenity of occupiers of the attached neighbouring property. The proposal thus complies with UDP Policy H2/3 (Residential Extensions) and SPD6: 'Alterations and Extensions to Residential Properties'.

**Parking and Highway Safety**

The proposal would not affect the existing parking arrangements at the front of the application site.

**Conclusions**

The proposal is acceptable in all respects, subject to a planning condition being imposed requiring matching external brick materials, it is recommended that the application be approved.

**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.

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Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This permission relates to the following plans:

Drawing ref. O.S Location Plan; and,  
Drawing no. GS-07-11-23-PROP: As Proposed

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the materials used in the construction of the development shall match those of the existing dwellinghouse in terms of type, colour, texture and scale.

Reason: In order to ensure a satisfactory relationship with the character of the host dwelling and the street scene in accordance with the requirements of 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> |
| CB                  | 8/1/24      | DM                      | 8/1/24      |