

DELEGATED REPORT

Report by Jane Langan	Date of report: 15/06/2022	Ref: 68338/FUL
Registration: 12/04/2022	LDFC: 26/05/2022	Expiry Date: 07/06/2022
Site Visit: 18/05/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Conversion of detached outbuilding to living accommodation

Location: 28 Sumner Avenue, Ainsworth, Radcliffe, Bolton, BL2 5RQ

Description

The site relates to an outbuilding located in the rear garden to a semi detached house, 28 Sumner Avenue. It is an L shaped brick building forming a garage and two stables. The site property is located at the end of the road with a garden to the front and rear. Along the side of the house is a path and low brick wall and fencing along the rear garden. Beyond this to the side is a gated single track road and then to the south of this open fields. The attached neighbour is No.26 and extended with a conservatory at the rear. The neighbouring properties bordering the rear site garden are 1, 3 & 5 Moorside Avenue. The site and surrounding area is within the Green Belt.

The application proposes to convert the outbuilding to an annexe. A supporting statement explains the property is being purchased by the applicant from their father who would reside in the annexe. External alterations would see the garage door replaced patio doors and two windows to the south elevation enlarged.

Relevant Planning History

02326/E - Conversion of detached outbuilding to living accommodation - Enquiry completed 18/07/2019

50147 - Single storey extension to rear; porch to front with conservatory to side & replacement of flat roof with a pitched roof to existing rear two storey extension - AC 06/08/2008

38472 -Two storey and single storey extensions, conservatory at side and front porch - Ref 25/01/02

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

OL1	Green Belt
OL1/4	Conversion and Re-use of Buildings in the Green Belt
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD 9	Conversion and Re-use of Buildings in the Green Belt

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 - OL1/4 - Conversion and re-use of Buildings in the Green Belt - is not considered to be inappropriate but regard should be had to the following -
It should not have a materially greater impact than presently on the openness of the Green Belt;

- Any extension of re-used buildings, and associated uses of land surrounding the building do not conflict with the openness of the Green belt and the purposes of including land in it;
- The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction;
- The form, bulk and general design are in keeping with the surroundings;
- Suitable access can be accommodated;

DELEGATED REPORT

- Necessary services can be provided;
- Presence of any protected species.

SPD6 Section 9 states that proposals to build a supplementary family annexe will be considered on the individual merits of each scheme, having regard to the general advice contained within the guidance document and in addition annexes;

- should normally be physically connected to the main property with a direct interior link;
- should remain ancillary to the original dwelling at all times;
- should not have separate vehicular access; and
- should only have one bedroom
- be appropriate in scale and position in relation to the plot and original dwelling.

Green Belt - The outbuilding is brick built and the submitted statement notes it would be converted without any major works required. The site property is located 3.68m away and the outbuilding sits bounded by residential properties to the north and west side. As such the proposal would not impact on the character and openness of the Green Belt.

Visual amenity and Design - The building has a dual pitched roof which would be re roofed with marley modern smooth tiles. There would be no change to the rear and west side blank elevations with the front and east side having the doors and windows replaced. The plans note the front elevation to have the garage door replaced with patio doors and matching brick. Stable type doors would be retained to the front elevation as the applicant wishes to keep this feature. The annexe would have only one bedroom and whilst it would not be physically linked to the main house it would be within the rear garden area and close to the main dwelling at 3.68m away. There would be no separate vehicular access the building sited within the fenced garden. It is however noted from the previous planning history that the applicants father owns the land that forms the track to the side which was a former garage colony and is not part of the domestic curtilage. The agent has confirmed that the applicant is purchasing the property and land within the red edged site area only at this time. As such any use of the land outside the red edged plan as submitted would require a further application.

Residential amenity - There would be no change to the elevations to the neighbouring properties to the rear or side and as such the proposal would not have any significant impact.

The proposal complies with UDP Policies H2/3 - Extensions and Alterations, OL1/4 - Conversion and re-use of Buildings in the Green Belt and SPD6 - Alterations and Extensions to Residential Properties.

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.

DELEGATED REPORT

- 2 This decision relates to drawings numbered 1,2,3,4,5,6 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 The development hereby approved shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as 28 Sumner Avenue, Ainsworth.
Reason. To ensure the proposed use remains ancillary to the principle use on the site 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>
JL	15/06/22		