

DELEGATED REPORT

Report by Jane Langan	Date of report: 28/10/2022	Ref: 68669/FUL
Registration: 17/08/2022	LDfC: 09/09/2022	Expiry Date: 12/10/2022
Site Visit: 14/09/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey side extension

Location: 197 Bury New Road, Radcliffe, Bolton, BL2 6QQ

Description

The property is a semi detached house located along a main road. It has a garden and drive to the front and gated gap at the side. To the rear the house is extended single storey and has a decked area then a lawn which slopes up. Beyond the rear boundary is open land and the site and surrounding area is within the Green Belt. Both the adjoining and unattached neighbouring properties are extended at the rear.

The application proposes a single storey extension at the side coming out 2.2m and running 10.2m along the side from the front to the rear elevation as extended. It would form a bedroom/study. The scheme has been revised from the original submission which was to extend out 3.6m deeper at the rear. The plans also note the widening of the driveway area by 4m surfaced in porous/permeable materials and the addition of a bin store area to the front garden.

Relevant Planning History

60912 - Certificate of lawfulness for proposed single storey rear extension - Lawful Development 25/01/2017.

Publicity

Surrounding neighbours were notified by letter and one response has been received from a nearby neighbour, on the original plans, their concerns in summary are :-

- Applicants do not have sufficient pedestrian access to and from their property when their vehicles are parked on their drive. Leads to them and visitors using our driveway as a footpath and taking out bins.
- Proposal restricts access for bins and a storage unit is proposed. The property in its current state has inadequate space for this. Believe from discussions with applicant that there are plans to amend the drive. This should be made a condition.
- Loss of light to the kitchen windows. One is a principle kitchen window.
- Windows have Right to Light.
- Planning department should consider if the 45 degree rule applies.
- The applicants not being able to maintain the extension without accessing our property and land.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

OL1 Green Belt

H2/3 Extensions and Alterations
SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

Green Belt - The site is within the Green Belt and SPD6 states that extensions of existing dwellings in the Green Belt should not result in disproportionate additions over and above the size of the original dwelling. In general an extension up to a third of the volume of the original dwelling may be acceptable however, each proposal will be considered on its own merits.

A statement accompanying the application provides volume calculations concluding that the

proposed extension, in addition to the existing, would exceed 33% of the original volume by 59m². It notes the site is on a ribbon development on a main link road. It goes on to point out the permitted development allowances that exist including those under the larger homes scheme can result in extensions above 33%.

It is the case that the property is located within the Green Belt but along the main road which has residential properties fronting. As a single storey development viewed in connection with the main house the proposal would not impact on the character or openness of the Green Belt and is not considered to be a disproportionate addition in Green Belt terms (para 149(c)).

Visual amenity and design - The proposed extension would have a hipped roof with windows to the front and rear elevations. Materials would be to match the existing.

The proposed extension would restrict access to the rear and the proposal includes a bin store area to be positioned to the rear of the front hedgerow which would provide screening. Whilst ideally bins are stored to the rear it is not possible to control where a homeowner may place them and as such is not justified grounds for refusal.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would add a ground floor bedroom/study. The site as existing has a drive to the front 10.95m in length which would remain. The proposal also includes extending the drive width to 4m surfaced in porous/permeable materials. This would then provide sufficient off street parking.

Residential amenity - The proposed extension would run to the level of the existing rear elevation of the site as extended. It would not project more than 3m from the rear of the unattached No.199 as extended and the proposed side elevation would be blank wall. No.199 has ancillary windows to the side elevation however SPD6 affords limited weight to side windows and the principle windows to the main aspect would not be significantly affected.

It is also a material consideration that a similar development and footprint could be developed here under permitted development. The difference would be marginally lower heights.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objection

The scheme provides for sufficient off street parking and bin storage has been considered. Persons encroaching to a neighbouring property is not a matter within planning control. The issue regarding loss of light is addressed in the above report. The proposal would not project more than 3m from the relevant neighbour therefore the 45 degree rule would not apply.

Access for maintenance would be a matter for the applicant to resolve.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 1A,2,3A,4A,5A,6A,9, poposed block plan received 28/10/22 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 Prior to the occuptaion of the extension hereby approved the bin store provision and widening of the exisitng drive surfaced in porous/permeable materials, as shown on approved 'block plan' shall be provided to the satisfaction of the Local Planning Authority and thereafter maintained.
Reason. In the interests of visual amenity and highway safety 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>