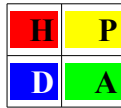


**Householder application for a single storey, rear extension at 7 Arthur Lane,
Ainsworth BL2 5PW**



October 2023

Prepared by Hartley Planning and Development Associates Ltd

PROPOSAL

7 Arthur Lane is a two storey, brick built, semi-detached dwelling in the Green Belt. The first floor is pebble dashed.

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 would extend beyond the existing rear elevation by 3 which metres and its height would also be 3metres (excluding the proposed parapet)

The Main Issues

The main issues 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

Saved Policy OL1/2 of the Bury Unitary Development Plan 1997 (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 dwellings.

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

4.25 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).

4.26 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.

4.27 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 2023 (the Framework) considers that 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'.(Para. 149). However, it permits the following exceptions: -

Para. 149(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',

Under application 01/38337, approval was granted in 2001 for a two-storey, side extension and a rear conservatory. The development has been implemented.

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'*, but the Framework does not define what constitutes a disproportionate addition.

The LPA's SPG 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, each proposal will be considered on its own merits* (My highlighting).

Paragraph 130 of the Framework defines the 5 purposes of the Green Belt. In this case the three most important are :-

- 'a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment';*

In so doing, the requirement is to preserve openness.

In this case, the dwelling already exists and so the proposed extension would not conflict with the above Green Belt purposes.

So far as openness is concerned, this is not to be defined by volumes and areas alone. In the case of *Turner v Secretary of State for Communities and Local Government and ANON* (2016), the judge concludes at paragraph 14 that the concept of openness of the green belt is not narrowly limited to a volumetric approach. The word *'openness is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case'*

(Paragraph 15) *'The question of visual impact is implicitly part of the concept of "openness of the Green Belt" as a matter of the natural meaning of the language used in para. 89 of the NPPF'*.

In this case, the extension would be to the rear of the dwelling and would be largely hidden from the public domain.

Therefore, for the above reasons where both local and national policy permits some discretion with regard to the extent of extensions and where, in this case, the proposed development would hardly be visible from the public domain, if at all. 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.

However, if this was not considered to be the case, there are very special circumstances which outweigh any harm.

Character and appearance

The application building is a two storey, semi-detached dwelling set back but facing the main road and with open fields to the rear.

It already has a white coloured conservatory attached to the rear elevation, as does the adjoining dwelling.

The proposed single storey, rear extension would have a limited depth of some 3 metres and with a similar height. External materials would be in brick to match the existing dwelling.

By its limited size and the use of materials to match those of the existing dwelling, the proposed extension would have no adverse impact upon the character and appearance of the area. In fact, by the replacement of the existing white coloured conservatory , it can be said that it would be more in keeping with the character and appearance of the building and the area.

Very Special circumstances

The dwelling has the following volumes:-

The original house 268m³

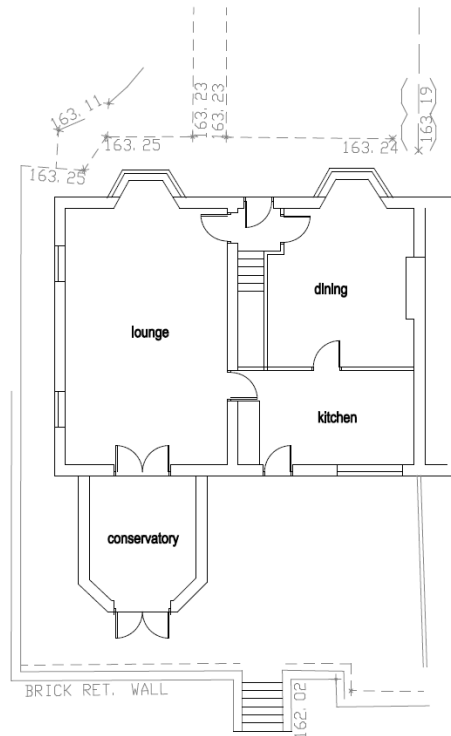
The existing extension 234m³

The existing conservatory 34m³

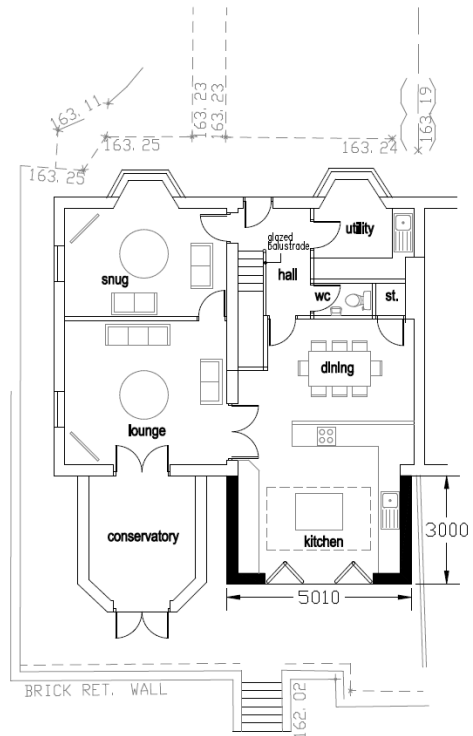
The proposed extension 89.6m³ (minus the demolition of the exg conservatory
@34m³

The dwelling benefits from permitted development rights under the General Permitted Development Order 2021 (GPDO) (Schedule 2, Part 1, Class A) which includes the construction of a single storey extension to the original dwellinghouse.

That part of the proposed rear extension to the rear of the existing dwelling could be constructed as an independent extension under the terms of the GPDO. We are not saying that the proposed extension is permitted development - just that a large part of it could be constructed as an extension to the original dwelling, as follows: -



as existing



permitted development
(planning consent not needed)

In all respects such a rear extension could be constructed (and has been designed)
to meet the GPDO rules: -

SCHEDULE 2
PART 1
Development within the curtilage of a
dwellinghouse
*Class A – enlargement, improvement or
other alteration of a dwellinghouse*

Permitted Development A. The enlargement, improvement or other alteration of a dwellinghouse.	
Development not permitted A.1 Development is not permitted by Class A if— (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);	The property has not been granted by any of classes M, N, P or Q of Part 3 of the GPDO
(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	The proposed extension would not cover more than 50% of the curtilage.
(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;	The proposed extension would not exceed the height of the existing dwelling.
(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;	The eaves of the proposed extension would not exceed the height of the eaves of the existing house.
(e) the enlarged part of the dwellinghouse would extend beyond a wall which— (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse;	The proposed extension would be attached to the rear elevation of the application property. It would not front a highway.
(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	It would extend outwards by 3 metres and be 3 metres in height
(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	N/A

(h) the enlarged part of the dwellinghouse would have more than a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;	N/A
(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;	Condition met
(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would— (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse; or	N/A
(k) it would consist of or include— (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	The proposed extension does not include the provision of a veranda, balcony or raised platform, chimney, flue or soil and vent pipe or alteration to microwave antenna.(Though other parts of the GPDO grant alterations to flues)
(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses (Demolition of buildings and construction of new dwellinghouses in their place)	N/A
Conditions A.3 Development is permitted by Class A subject to the following conditions— (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Proposed materials would be of similar appearance
(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and	N/A

(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	N/A
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So far as the rest of the proposed extension is concerned, this is effectively a replacement of the existing conservatory by a smaller extension .

In summary, what this means is that, as an alternative to what is now proposed, part of it (relating to the original dwelling) could be constructed under permitted development rights. The rest would require planning permission to replace the existing conservatory by a smaller extension but where there could be no adverse impact in terms of disproportionateness.

There might be a minimal gap between the two parts, but there would be no planning harm if the gap was eliminated.

The applicant would pursue this alternative approach if necessary, though it would seem to be unnecessarily complicated, would lead to a poorer design and would not give any better outcome in terms of the openness of the Green Belt.

Therefore, when compared to the alternative, the development as proposed amounts to very special circumstances which outweighs any harm which might exist to inappropriate development. .