

DELEGATED REPORT

Report by Amanda

Date of report: 27/09/2023

Ref:69836/FUL

Uhunmwagho

Registration: 20/07/2023

LDfC: 10/08/2023

Expiry Date: 14/09/2023

Site Visit: 22/08/2023

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey extension at front and alterations to existing front windows; Single storey extension at side and conversion of existing garage/store to living accommodation

Location: 11 Crag Avenue, Summerseat, Bury, BL9 5NZ

Description

The application relates to a detached bungalow, which currently has two bedrooms and a bathroom in the roof space. There is a garage to the north side of the front elevation with a pitched roof above and there are two rooflights to the front of the dwelling. Along the front boundary there is a short red brick wall with pillars to the end of the wall and to either side of the two driveways to the front. There is also a hedge along the rear of the front boundary wall and a tree. There is fencing along both side boundaries at the front.

The site is located within the designated Green Belt, but it is not within the conservation area.

The proposal is to build a two storey front extension as well as alterations to existing front windows, a single storey side extension and conversion of the existing garage/store to living accommodation. The front extension would project 2m forward of the existing front elevation and it would measure 2.8m wide. It would measure around 4.5m to the eaves and the overall height would be 6.31m. The extension would provide a porch to the ground floor and a study area to an existing bedroom above.

The extension would be finished in brick with Rosemary clay tiles to the roof. There would also be an area of vertically hung tiles on both sides of the upper section of the extension. There would be a single entrance door to the front with a glass canopy above and the existing windows to the front elevation would be replaced with smaller windows to either side of the front extension.

To the side the single storey extension would measure 1.86m x 3.35m and it would have a flat roof. The extension would provide a new store with doors to the front and side elevations, with a composite cladding to the front elevation also incorporating a gate to the side for access to the rear garden.

The existing garage/store is to be converted into a gym. As such the existing door would be replaced with a window, with composite cladding below to match the front of the garden store on the opposite side of the dwelling.

Relevant Planning History

48433 - FIRST FLOOR EXTENSION AT SIDE; TWO STOREY EXTENSION AT FRONT - Refuse Refused 29/01/2008

49800 - FIRST FLOOR EXTENSION OVER EXISTING GARAGE - Approve with Conditions 08/05/2008

50287 - FIRST FLOOR EXTENSION OVER EXISTING GARAGE - Approve with
Conditions 09/09/2008

Publicity

Neighbours notified on 20/07/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions -Not relevant.

Unitary Development Plan and Policies

OL1	Green Belt
OL5/2	Development in River Valleys
EN9/1	Special Landscape Areas
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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. 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 considerations of this application are the impact of the proposal on visual and residential amenity, as well as the impact on the surrounding Green Belt.

Principle (Green Belt) -

Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC 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.

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 whole of Summerseat Village is situated within the designated Green Belt. There are

many different property size and styles throughout the village, many of which have been previously extended. The agent has provided a Green Belt statement in which they advise the proposed extension plus previous additions equate to 28% of the original volume of the property.

The volume increase to the property due to the proposal would be less than the recommended limit of 33% and the site is situated in a fairly densely residentially populated village where many properties have been previously extended. As such it is considered that the proposal would not conflict with the surrounding land uses nor would it create harm to the openness of the Green Belt. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt and it is considered that the proposal complies with UDP Policies OL1/2, SPD8 and the NPPF.

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.

The two storey front extension along with new windows to the front elevation, and the two areas of composite cladding would add a more modern element to the property, but given that overall the finished materials to the roof and walls would match those of the existing dwelling the design of the proposal would be considered to be in keeping with the existing building.

There are a mixture of properties along Crag Avenue including bungalows, two storey and three storey properties, some of which have been extended. In addition there are also examples of render to a couple of properties along the avenue. As such the proposal would not have any significant detrimental impact on the character of the existing streetscene and would be considered acceptable in this location.

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.

Residential Amenity -

- Properties to the front of the site would be more than a sufficient distance from the proposed extension not to have any significant detrimental effect on residential amenity at those properties.
- As the front extension would be built more or less central to the front elevation there would be ample distance from the side elevations to both side boundaries, meaning there would be no detrimental impact on residential amenity at numbers 9 and 13 Crag Avenue to either side.
- The single storey side extension would have no windows in the side elevation and there are no windows to the side of no.9 next door. As such there would be no significant detrimental effect on residential amenity at no.9 due to the position of the single storey side extension.
- The conversion of the existing garage/storey, including replacement of the door with a window would not have any significant detrimental impact on residential amenity to both the next door neighbour and properties opposite site.
- The proposal would not affect the existing parking arrangements within the site.

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 front garden and drive.

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 drawings numbered A2184-PS-PL01, A2184-PS-SE01, A2184-PS-EX01, A2184-PS-SLP01, A2184-PS-BP01, A2184-PS-EL01 and A2184-PS-EX02 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.
- 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 - 27/09/2023			