

DELEGATED REPORT

Report by Helen Pressley	Date of report: 20/09/2023	Ref: 69922/FUL
Registration: 09/08/2023	LDfC: 05/09/2023	Expiry Date: 04/10/2023
Site Visit: 13/09/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey front extension

Location: 939 Walmersley Road, Bury, BL9 5LL

Description

The application relates to a detached dwelling located on Walmersley Road. The property is set back from the highway, with a driveway to the front. Access is gained from Walmersley Road. Soft landscaping is located to the side and rear of the property. The site is located within the Green Belt and the property is a replacement dwelling.

Planning permission is sought for the construction of 2no. flat roof extensions to the front of the property. The proposed extensions would project approximately 2950mm and would flank the existing projecting two storey entrance porch.

Relevant Planning History

65160 - Demolition of existing dwelling and erection of 1 no. replacement dwelling with front boundary fence/gate - Approve with Conditions 08/07/2020

Publicity

Neighbour letters sent 11/08/2023. No representations received.

Statutory/Non-Statutory Consultations

None

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
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. 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.

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 states that the construction of new buildings would be inappropriate in the Green Belt. 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 states that the construction of new buildings in the Green Belt is inappropriate development, unless it is for one of more of the following purposes: agriculture and forestry essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it; limited extension, alteration or replacement of existing dwellings, provided that this would not result in a disproportionate additions over and above the size of the original dwelling, or, in the case of replacement existing dwellings, the new dwelling is not materially larger than the one it replaces; limited infilling in existing villages.

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 it's own merits.

The dwelling is a replacement dwelling. This dwelling led to a volumetric increase over and above the original building of 47%, with a minimal reduction in height. A case for Very Special Circumstances was submitted, and assessed as part of the assessment of this replacement dwelling.

- The %age increase would be 43% taking into account the single storey side extension could be built under permitted development.
- The existing roof comprises two pitches - this in effect would be 'filled in' when compared to the proposed hipped roof of the new dwelling, resulting in additional volume above what currently exists, equating to 10%. The proposed dwelling would be no higher than the existing, and actually 0.2m lower.
- The proposed dwelling would be on a similar footprint to the existing - the volume being created largely by the accommodation spread over 3 storeys, the upper floor being in the roofspace.

It was accepted that the proposed dwelling would be contained within the boundaries of the existing site, that the proposed increase in volume would be spread across three stories and that there would be no encroachment at the rear into any additional Green Belt land. It was also accepted that the height of the proposed dwelling would be acceptable and the retained domesticated residential curtilage would remain as per the original dwelling.

"The term "original building" is referred to in paragraph 149(c) of the NPPF and is defined in the Glossary to the Framework as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally". Whilst the replacement dwelling was built after 1948 it should be noted that the wider aims of the NPPF and UDP policies listed are to protect and maintain the openness of the Green Belt. This also means that the Council needs to ensure that creeping loss of openness is avoided through incrementally larger buildings, including extensions to larger replacement buildings.

The existing house is 47% larger than its predecessor. A case for VSC needed to be

presented to allow this. The proposed extension would add an additional 122.4m² in volume. Whilst this equates to an 8.4% increase over the volume of the existing dwelling this would lead to a further volumetric increase of 59% over and above the dwelling which has been replaced.

There are no specific tests on openness set out within the NPPF, however the consideration of issues such as building volumes and footprints, landscaping and design features have all been key in assessing the impact on the openness of the Green Belt and have been tested through case law. The Court of Appeal judgement *Turner v Secretary of State* 2016 at para 14, "The concept of openness of the green belt is not narrowly limited to volumetric approach..... (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspects which the Green belt presents."

It is considered that additions to buildings within the Green Belt should be limited to subsidiary elements of the original building, and should be simple and unobtrusive in design to ensure that they do not result in disproportionate additions over and above the original dwelling. The proposal as set out would result in significant additions to the front of the dwelling that would be clearly visible from public vantage points. The introduction of flat roof extensions would lead to the proposal becoming a significant feature and would further enhance and exacerbate the increased scale of the dwelling, leading to the creeping loss of Green Belt that the policies set out above seek to avoid and as such not acceptable in terms of impact on the openness of the Green Belt.

At validation stage a statement was requested that set out the volume of the proposed extension, and it was confirmed that if this exceeded 33% of the original dwelling then a case for VSC would be required. Whilst the agent responded confirming the volumetric increase, the history of the site was not considered and as such no planning statement, or case for VSC was provided with the application.

Given the context of the site, and the design and scale of the proposed extensions it is considered that the proposal would be a disproportionate addition that would diminish the area's visual openness. It is considered therefore that the proposal would be inappropriate development in the Green Belt contrary to 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.

When assessing front extensions SPD 6 states that proposals should reflect the design and proportion of the original dwelling. Pitched roofs will be required where appropriate and consideration should be given to the prevalence of street design. Front extensions should also not project excessively.

Whilst there are a number of different designs of properties within the street scene, flat roofs and extensive floor to eaves glazing panels are not prevalent and therefore not considered to be acceptable. It is noted that there is extensive glazing to the entrance porch, which is replicated on the neighbouring property to the north, but this is meant to be a focal point and design feature. The proposed alterations to the style, and extent of glazing would overwhelm the original property and would not be sympathetic to the street scene. The increased glazing proposed as part of this development in addition to the proposed two storey flat roof extensions would not reflect the simple, well aligned design of the original property and as such would not be acceptable. Whilst the proposed extensions would be in line with the existing front entrance porch, they are also considered to project excessively as they would bring the principal front elevation and windows forward by 2950 mm.

It is considered that the combination of the two storey flat roofs, increased glazing, location

and projection of the proposed extensions would lead to an incongruous addition to the street scene. This would have a negative effect on the character and appearance of the area.

It was noted from the case officer's site visit that the site is partially screened by soft landscaping, the soft landscaping has no statutory protection, and as such there is no certainty that this will be retained. As such, the current screening is not a determining factor when considering the permanent impact that the proposal would have on the character and appearance of the area.

It is therefore considered that the proposal would cause harm to the character and appearance of the area and as such would be contrary to UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposed extensions would not project beyond the principal elevation of No. 941 Walmersley Road.

The proposed extensions would project approximately 6 metres beyond the front elevation of No. 935 however there is a gap of approximately 18 metres retained between two dwelling and as such it is considered that the proposed extension would not have an overbearing impact on the principal front windows of this property.

No side windows proposed facing towards the side boundary with No. 941.

The proposed side windows facing towards No. 935 would relate to a non-habitable room (stairs) and therefore aspects standards have not been applied.

The proposed extensions would be separated from the directly facing land by a highway and as such should this land be developed in the future aspect standards could be met.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development by virtue of its scale, location and design would lead to inappropriate development within the Green Belt that erodes the character of the property in question and the openness of the surrounding area. The proposed extension would result in a disproportionate addition over and above the size of the original dwelling and subsequently harm the openness of the Green Belt and is therefore contrary to the following policies of the Bury Unitary Development Plan: OL1/2 - New Buildings in the Green Belt and associated Supplementary Planning

Document 8: New Buildings and Associated Development in the Green Belt, H2/3 - Extensions and Alterations and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties and the National Planning Policy Framework.

- 2 The design of the proposed extension virtue of its location, scale, flat roof and glazing is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated 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>
HP 20/09/2023			