

DELEGATED REPORT

Report by Tom Beirne	Date of report: 11/01/2023	Ref: 68861/FUL
Registration: 20/10/2022	LDfC: 11/11/2022	Expiry Date: 15/12/2022
Site Visit: 20/12/2022	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: Detached two storey annexe to side of existing house

Location: Heatherslade, Green Acre Close, Shuttleworth, Ramsbottom, Bury, BL0 0HD

Description

The application relates to a large detached house at the head of a steeply sloping unadopted residential cul-de-sac. The immediate neighbour, a large detached house is set down at a lower level to the west. The land to the east rises up and is well treed. The site is on the edge of the built up area to the east of Ramsbottom and within the Green Belt. It is also designated a Special Landscape Area. Public footpath 189RAM runs in a north to south direction along the higher ground to the east of the site.

The site of the proposed outbuilding is within the garden area, to the south east of the main house. It would abut the existing gabion wall along the east boundary. The footprint of the building would measure 15.5m on its longest/west side and 8.6m along its north side. The other two sides would abut the existing gabion wall along the boundary. It would have a flat sedum roof and the elevations would be clad in composite grey panel. Windows would have dark grey Upvc frames.

The ground floor would accommodate a double garage and bedroom on the ground floor with a gym and additional living space and balcony above. It is the intention to use the building for personal domestic use and also to allow some supplementary 'home working' with some clients related to the applicant's sports physiotherapy business visiting for treatment.

Relevant Planning History

60003 - Two storey/single storey side/rear extensions & remodelling of existing house. - Approve with Conditions 13/06/2016

Publicity

Immediate neighbours notified by letter dated 20/10/2018. No objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - N/A**Unitary Development Plan and Policies**

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework
OL1/2	New Buildings in the Green Belt
EN9/1	Special Landscape Areas
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
EN1/1	Visual Amenity

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

Guidance in the NPPF on Green Belt states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Paragraph 149 of the NPPF indicates that appropriate development includes "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". The NPPF does not preclude "inappropriate development" if a case can be made that there will be no harm to the openness of the Green Belt.

Bury Unitary Development Plan Policy OL1/2 indicates that "limited extension" of existing dwellings is "appropriate development" in the Green Belt "provided that this would not result in disproportionate additions" to the original dwelling.

The applicant recognises that 'very special circumstances' needs to be set out to justify the development.

- The original house had a volume of 746 cubic metres. As extended it has a volume of 1029 cubic metres, an increase of 283 cubic metres., approximately 38%. The new building has a floor area of 240 square metres and a volume of some 730 cubic metres, only slightly less than that of the original house. The proposal does therefore constitute inappropriate development. However, there are mitigating circumstances and the development should not be judged on size alone.
- The "one third" figure in SPD6 should only "normally" be applied, dependant on other factors, and is simply guidance not a rule.
- Green Belt policy in the NPPF refers to "disproportionate" additions without defining the meaning of "disproportionate" or tying it to a precise figure.
- The flat roofed building will be subsidiary to the house in its appearance.
- The building will be well screened and only partly visible from miles away on the other side of the valley. There will be no impact on the openness or visual amenity of the Green Belt.
- The NPPF encourages the granting of planning permission for sustainable development. There will be no harm to the Green Belt. There is no reason why planning permission should not be granted.

Use

The proposed new building would be within the curtilage of the existing dwellinghouse and for the most part, would be ancillary to the main dwellinghouse. The supporting statement suggests that the applicant, who is a sports physiotherapist, may use the new building to treat individual patients in addition to his own personal domestic use. In terms of this home/business use, it is not considered that this would have a significant impact on the main domestic use of the site or its position within the Green Belt. In terms of the principle of the use of the building, the proposal is generally acceptable. The main issue of concern relates to the size and siting of the new building and its design.

Visual Amenity and Openness of the Green Belt/ Special Landscape Area

The existing house has already been extended by approximately 38%. With a volume of 730 cubic metres, over 90% of the volume of the original house and 70% of the extended house, the new two storey building is considered to be very large compared with the main house and would appear incongruous and overly large within the site. The proposal is considered to be 'inappropriate development' and a case for very special circumstances would be required. The main argument the applicants puts forward is that the new building is well screened by topography and trees and that the only views of the site would from longer range, across the valley.

The fact that the NPPF does not define 'disproportionate', does not mean that the new building is not actually disproportionate. Given its size, it is considered that the new outbuilding, is disproportionate and therefore 'inappropriate' in terms of Green Belt. Whilst the limited public views of the site is a mitigating factor, it is not the only factor. Views of the site are longer range and there are also some views from the public footpath that runs to the east of the site. Even with limited views and the presence of the adjacent gabbion wall, the proposed new building would appear large and extremely incongruous within the Green Belt site. Giving substantial weight to any harm to the Green Belt, it is not considered that the VSC as set out in the supporting statement is sufficient to outweigh that harm. The

proposal would therefore have an unacceptable and detrimental impact of the character and openness of the Green Belt and Special Landscape Area and would be contrary to the NPPF, UDP Policies OL1/2, EN9/1 and H2/3 and associated guidance within SPD8.

Design and appearance

Within the residential curtilage, the two storey flat roofed building with a high proportional of composite cladding, would appear very incongruous and out of keeping with the existing house. A smaller/lower level building of a similar design may work as it would sit more comfortably within the site and appear more subsidiary. The proposal as it stands is unacceptable and contrary to UDP Policies EN1/1 Visual Amenity, EN9/1 Special Landscape Areas, H2/3 Alterations and Extensions and associated guidance in SPD6 and SPD16 relating to design.

Residential amenity

Given the siting of the building in relation to immediate neighbours, there are no residential amenity issues arising from the proposal.

Parking and access

The existing access would remain. Although the new building would include two parking spaces, there is sufficient hardstanding to the front of the house for at least 3/4 cars. This is sufficient for the domestic dwelling and any additional home working that may involve some visitors related to the applicant's business. Complies with UDP Policies H2/3 and HT2/4 in relation to parking.

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 building, by reason of its height, size and appearance, constitutes a incongruous and disproportionate structure within the site that would have a serious and detrimental impact on the character and openness of the surrounding green belt. The proposed development therefore conflicts with the NPPF and following policies of the Bury Unitary Development Plan: OL1/2 New Buildings in the Green Belt, EN9/1 Special Landscape Areas, H2/3 Alterations and Extensions and associated guidance in SPD6 and SPD8.
- 2 The design of the proposed outbuilding is neither appropriate to, nor sympathetic with the existing site and surroundings, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/1 Visual Amenity, EN9/1 Special Landscape Areas, H2/3 Alterations and Extensions and associated guidance in SPD6 and SPD16 relating to design.

<u>Case Officer</u> Tom Beirne	<u>Date</u> 11/01/2023	<u>Sign off Officer</u>	<u>Date</u>

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