

DELEGATED REPORT

Report by Jane Langan	Date of report: 28/02/2023	Ref: 69199/FUL
Registration: 22/12/2022	LDFC: 15/02/2023	Expiry Date: 22/02/2023
Site Visit: 24/01/2023	Site Notice: 24/01/2023	Press Date: N/A
Objections: 0	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey / two storey extensions at rear; external alterations

Location: 1 Two Brooks Lane, Tottington, Bury, BL8 4LA

Description

The property is a stone semi detached house located along a single track road leading from the village of Hawkshaw and which is also public footpath 10TOT. The site and surrounding area is within the Green Belt. The house is two storey with a car port at the side and a conservatory at the rear. To the side is a graveled parking area and to the rear of the house a patio and raised decking with open land beyond at a lower level. The adjoining property is No.3 and sits with its rear elevation level with the site conservatory.

The application is a resubmission of 68146 the amendment being that the single storey would now be 1m deeper and flush to the level of the two storey which would be to the same depth.

The scheme comprises of the removal of the conservatory and construction of a two/single storey extension at the rear. It would be two storey to the party wall side 3.3m deep and 5m across then reduce to single storey 3.3m deep for the remainder of the rear elevation. The extension would form a kitchen extension, dining room and additional bedroom and landing at first floor. The plans also note a window to the side elevation to be replaced with a door and smaller window as internal alterations would create a utility room.

Relevant Planning History

68146 - Single storey / two storey extensions at rear; external alterations - AC 19/05/2022
69159 - Non-material amendment - Increasing the single storey extension by 4.57m2, with an overall increase in size of 27.28% from existing. - Withdrawn - Invalid 22/12/2022.

Publicity

Surrounding neighbours were notified by letter on 13/01/23. A site notice was posted on 24/01/23. No responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
OL1	Green Belt
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 - SPD6 states that extensions to existing dwellings in the Green Belt should not result in disproportionate additions over and above the size of the original dwelling. In general extensions up to a third of the volume of the original dwelling may be acceptable however, each proposal will be considered on its own merits. Volumes have been provided with the application to state there will be a 27.28% increase in volume. The proposed extension would also be located to the rear and lower than the existing roof and then viewed in connection with the existing property it would not impact on the openness and character of the Green Belt at this particular site.

Visual amenity and design - The proposed extension would have a hipped roof to the two storey section and a monopitch roof to the single storey. The ground floor and single storey

DELEGATED REPORT

side would be finished in matching stone and the roof tiled to match the existing. The first floor would have vertical timber cladding. Whilst this would be a more modern material it would have limited view and the more visible side elevation to the single storey would be stone.

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 increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has space to accommodate parking in excess of this.

Residential amenity - The proposed two storey would be to the party wall side to No.3 and would not project as deep as the rear elevation of this property and there would therefore be no serious impact on the amenity this adjacent neighbouring property. Certificate B has been completed in respect of encroachment.

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

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 036BUR-300, 036BUR-301, 036BUR-302, 036BUR-303, 036BUR-304A, 036BUR-305A, 036BUR-306, 036BUR-307 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	28/02/23	DM	28/02/23