

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 02/08/2023	Ref: 69713/FUL
Registration: 12/06/2023	LDFC: 05/07/2023	Expiry Date: 07/08/2023
Site Visit: 16/06/2023	Site Notice: 16/06/2023	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor side/rear extension

Location: The Bungalow, 7 Knowsley View, Knowsley Road, Ainsworth, Bolton, BL2 5PT

Description

The site relates to a building located within a site which had previously been the former Ainsworth Nursing Home. The site is accessed via a private lane which is formed from the top of Ainsworth Road. The whole site is located in the Green Belt, Special Landscape Area and West Pennine Moors and is on the Council's Draft local list as a Non-Designated Heritage Asset. The site is covered by a blanket TPO.

By way of background, the site has now been sold off as separate plots and planning permissions have been granted for the conversion of some of the buildings to residential dwellings with alterations and extensions.

This application relates to one such building which was granted planning permission in 2020 to convert to a single residential dwelling with extensions and alterations comprising the increase to the roof height and a 2 storey extension. A porch has also been added. The property is known as the Bungalow but now has a postal address of 7 Knowsley View. This property is located at the entrance of the site adjacent to the southern boundary and has views of the open land to the south.

The nearest buildings are to the rear (north) of the site and are separated by an internal access road. Both these two buildings have planning permission for residential dwellings (known as 5 and 6 Knowsley View)

The application seeks a first floor extension which would infill the south eastern corner of the dwelling which is currently a 1st floor balcony. The extension would have a pitched roof and replicate the design of the existing east elevation in terms of roof slope and proportions.

Materials would match the existing and comprise render elevations and tiled roof with 3 rooflights on the south elevation.

The extension would facilitate a larger master bedroom/dressing room.

The original building has already been extended by the grant of the permission to convert the property resulting in a % age increase of 30%. The proposal would add to that volume increase.

The following is a breakdown of original, as existing and proposed volume calculations.

Original building - 390 cubic m

Dwelling as built - 504.9 cubic m = 30% increase

Proposed extension - 44.7 cubic m = 8.8% increase

Total proposed percentage increase (comparative to the original building) - 38.8%

Permitted development rights were removed and therefore any extensions or alterations

would require a planning application.

Relevant Planning History

02424/E - Proposed two storey rear extension/porch to front elevation and increase ridge height to provide 4 bed home in the place of existing 3 bed bungalow - Enquiry completed 08/04/2020

02825/E - Single storey side extension; Convert balcony to internal bedroom -

65626 - Conversion of property to 1 no. residential building; increase to the roof height, two storey extension and associated parking and landscaping, change of use of land to residential garden - Approve with Conditions 23/09/2020

66467 - Variation of conditions following approval of 65626- Amendment to approved plans with the addition of a porch - Approve with Conditions 30/03/2021

23/0058 - Erection of outbuilding in rear garden - 10/05/2023

Publicity

Letters sent to 3 adjacent properties.

Site notice posted 16/6/23

1 objection

2 support

Objection

Planing Statement -

- Paragraph 5.1.18 - is there a need to include the black shed in the west side of the applicant's garden as part of the volume calculations? Increasing the size of this contemporary building can only make it a more prominent out-of-character addition to the Edwardian nature of this historical site.
- Paragraph 5.3.1 of the planning statement is entirely inaccurate. Loss of view and loss of natural light when the sun is in a south-west position.
- Section 5.3 (or 5.5) makes no mention of disturbance to neighbours caused by the parking of vehicles from site workers if this planning application was permitted. Already experience inconsiderate parking and parking overflow from visitors and tradesmen to the applicant's property and this is detrimental to privacy.

Support

- Living in the village all my life, walking across the fields and able to see the Bungalow from my home, the new planning is more in keeping with the rest of the site. The balcony which is currently there looks too modern and more in keeping with a Manchester city apartment. Allowing the extension avoids people sitting on the balcony looking over the public footpath staring which I find intrusive
- We support this extension as this will make the building aesthetically more pleasing and will enhance the site further.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN6 Conservation of the Natural Environment

EN6/3 Features of Ecological Value

EN9/1 Special Landscape Areas

OL1/2 New Buildings in the Green Belt

H2/3 Extensions and Alterations

SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt

SPD 9 Conversion and Re-use of Buildings in the Green Belt
EN2/3 Listed Buildings

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

Chapter 13 - Protecting Green Belt Land, 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 considers the construction of new buildings as inappropriate development in the Green Belt. However, there are exceptions to this which includes point c) *the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.*

UDP Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings in the Green Belt is inappropriate development. One exception to this policy is point c) for *limited extension, alteration or replacement dwelling provided it would not result in disproportionate additions over and above the size of the original dwelling*

SPD8 - New Buildings and Associated Development in the Green Belt provides additional advice and guidance, particularly with reference to siting, design, materials, scale and form of a development. It also advises that generally, circa a third increase in volume to an original building could be considered. However, each application is assessed on its own merits.

The building has already been added to circa one third by the grant of the planning permission for conversion and extension for residential purpose and the proposed development would add almost 9% of built form, resulting in a net increase of approx 40% above that of the original building. This proposed extension could therefore be considered as a disproportionate addition and would be contrary to para 149 c) of the NPPF and point c) of OL1/2. Very Special Circumstances would therefore be required.

According to case law in 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."

In this respect, the siting and the setting of the building within the context of the surrounding land character and any visual impacts needs to be assessed.

Siting, design and visual impacts

The proposed 1st floor extension would infill a corner of the dwelling which currently accommodates a balcony and would not project any higher or extend beyond the current building lines.

The extension would be designed with a pitched gable on the east elevation which would mirror and project in the same form as the existing gable and roof form on the eastern elevation which is considered not to detract from the character of the existing build.

When viewed from outside the site from the south, the proposed extension would be viewed against the backdrop of the roof and first floor of the existing dwelling and as such it is considered that visual impacts would be limited and considered not to be severely detrimental. From within the site, the proposed extension would predominantly be screened from views by the existing built form.

Two windows on the east elevation would reflect the size and proportions of those fitted within the existing eastern elevation and on the south elevation, 3 conservation rooflights are proposed which are considered to be acceptable within the special landscape setting.

Materials of rendered elevations and slate roof to match the existing are proposed and considered acceptable.

The applicant has also provided a case for VSC which considers the position and scale of the infill extension, the limited visual impacts from public views, a spatial assessment and appropriateness of the use of materials to match the existing property.

These VSC's are not necessarily 'special' when considered in isolation but together, can make a case to outweigh harm caused to the openness of the Green Belt.

Whilst it is acknowledged that the proposed development would result in an increase in volume above that of the original conversion works and beyond the general guidance of a third increase in SPD8, each site and application are assessed on their own merits.

Given the setting of the building within the site, the position, size and scale of the extension to infill the south eastern gap, and with materials to match, it is considered that on balance, the proposed development would not have a significantly harmful impact on the character and openness of the Green Belt or the landscape qualities of the Special Landscape Area and West Pennine Moors. The Very Special Circumstances presented are considered to outweigh the harm caused to the Green Belt on this occasion.

The proposed development would therefore accord with policies OL1/2, EN9/1, OL7/2 and SPD8.

Heritage considerations

Paragraph 203 of the NPPF requires - "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

The former Ainsworth Nursing Home is considered to be A Non-Designated Heritage Asset although 'The Bungalow' is a modern addition added at a later date and did not form part of the original hospital buildings.

The building has undergone conversion and extension works in a modern contemporary approach and the proposed extension would reflect the design of the existing build. The extension would be set on the south eastern side of the dwelling and would not be viewed within the context of the NDHA site as the majority of the extension would be screened by the existing roofline.

It is therefore considered there would not be a harmful impact on the significance of the NDHA.

The proposed development is therefore considered to be acceptable and comply with the principles of the NPPF.

Impact on residential amenity

The proposed extension would replace a balcony and infill a gap on the south eastern elevation and therefore would be no closer to the other buildings on site which are to the north, circa 19m away. The extension would also not be highly visible, if at all to these other properties as it would be screened by the existing built form at first floor and no higher than the existing roof ridge.

As such, given the position and distance away, it is considered there would not be a harmful impact on privacy, light or outlook from these properties.

Therefore the proposed development would comply with H2/3 and SPD6.

Response to objection

- Impacts on residential amenity have been covered in the above report.
- In terms of disruption from construction traffic, any development in any locations are likely to give rise to some form of disruption and activity to an area and this should not necessarily be a reason to prevent development from taking place. As an extension to the property, it is considered the scale of development would not cause disruption to a significantly harmful degree.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 Proposed 1st floor plan dwg A.01.2.1 rev A; Proposed roof plan dwg A.01.2.2 rev A; Proposed south and east elevations Dwg A.01.2.3 rev A 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.
- 3 The external finishing materials for the proposal hereby approved shall be be render elevations and roof slate to match the existing.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	2/8/23	DM	02/08/23