

**DELEGATED REPORT**

|                                  |                                   |                                |
|----------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Jennie Townsend | <b>Date of report:</b> 17/05/2022 | <b>Ref:</b> 68099/FUL          |
| <b>Registration:</b> 24/02/2022  | <b>LDFC:</b> 18/03/2022           | <b>Expiry Date:</b> 21/04/2022 |
| <b>Site Visit:</b> 25/02/2022    | <b>Site Notice:</b> 25/02/2022    | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0             | <b>Con Area:</b> N/A              | <b>Adv Type:</b> PIN           |
| <b>Reason for Delay:</b><br>N/A  |                                   | <b>EIA:</b> NA                 |
|                                  |                                   | <b>Dec Level:</b> DEL          |
|                                  |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Proposed Single Storey Side Extension

**Location:** Crossfield House, Crossfield Street, Bury, BL9 9TF

**Description**

The application relates to a detached dwellinghouse which was formally associated with the adjacent Bury Sewerage works. It is set within a relatively large plot and next to an access road which also serves the field at the rear and separates the site from the adjacent house, No 19.

The site is located in the Green Belt and River Valley.

It is proposed to demolish the existing single storey brick built detached store which is located to the east of the dwelling within a triangular shaped yard area and replace it with a single storey extension which would be attached to the side of the property. The proposed extension would infill the triangular shaped land to provide additional ancillary accommodation, store and WC.

The current build forms part of the boundary wall which runs alongside the access road which would be retained and the remainder of the boundary wall used to form an external elevation of the extension.

The proposed extension would result in an increase in volume of 14.9%.

**Relevant Planning History**

46976 - Single storey extension at front (north east elevation) - Approve with Conditions 31/10/2006

**Publicity**

Letter sent to No 19 Crossfield Street on 24/2/22  
Site notice posted 25/2/22  
No responses received

**Statutory/Non-Statutory Consultations**

N/a

**Pre-start Conditions** - Not relevant

**Unitary Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| NPPF  | National Planning Policy Framework                          |
| EN1/2 | Townscape and Built Design                                  |
| H2/3  | Extensions and Alterations                                  |
| OL1/2 | New Buildings in the Green Belt                             |
| OL5/2 | Development in River Valleys                                |
| 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 Principle and Visual Amenity** - The Site is located in the Green Belt. Para 149 of the NPPF states that development in the Green Belt would be inappropriate unless it meets one of the listed exceptions, one of which includes c) for the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.

A Green Belt Statement has been submitted with the application. The proposed extension would add an additional volume of 14.9% and as such is considered to be a relatively minor addition which would comply with policy guidance. The proposed extension would be

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located between the existing boundary wall and side elevation of the property and fully contained within the site.

The proposed extension would be single storey, brick built to match the existing and modest in design.

It is therefore considered the proposed development would not have greater impact on the openness of the Green Belt nor result in the division of the River Valley and would be appropriate in design and appearance and therefore comply with policies OL1/2, OL5/2, EN1/2 and the principles of the NPPF.

**Residential amenity** - The site is separated from the adjacent property, No 19 by an access road. There would be no habitable rooms which would overlook this property and impacts on this neighbour are considered insignificant.  
The proposed development would therefore comply with EN1/2 and H2/3.

### **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 - Location plan ZT22-196-00; Existing site plan ZT22-196-01; Existing plans and elevations ZT22-196-02; Proposed site plan ZT22-196-03; ; Proposed plans and elevations ZT22-196-04 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.
- 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 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                  | 17/5/22     |                         |             |