

DELEGATED REPORT

Report by Amanda Uhunmwagho	Date of report: 16/08/2024	Ref: 70952/FUL
Registration: 17/07/2024	LDfC: 15/08/2024	Expiry Date: 11/09/2024
Site Visit: 09/08/2024	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/single storey rear extension with balcony roof

Location: 8 Droughts Lane, Prestwich, Manchester, M25 2ST

Description

Planning permission was granted at this property in January 2022 (67732) for an almost identical development. The difference between the previous application and the current one is that the current proposal includes a balcony to the rear.

The application relates to a two-storey semi-detached house on Droughts Lane, Simister, which is within the Green Belt. The outer shell of the previously approved single/two storey rear extension is built. The attached neighbour has also been extended single/two storeys to the rear of the dwelling and this property has a patio area adjacent to the shared boundary. The owner's of this property previously received planning permission for an additional single storey rear extension (66529), which would have been built directly adjacent to the shared boundary. However, this permission has never been commenced and the three years start by date has expired in April 2024.

There is a long rear garden measuring over 30,000mm from the rear elevation of the extension as built. There are fences and planting to both side boundaries and a detached outbuilding at the end of the garden. There is a lot of mature planting and trees along the shared boundary at no.10 next door and to the south there is an unadopted road providing access to the rear of the site as well to properties along Simister Lane.

Planning permission is sought for a single/two storey rear extension with a balcony to the rear. The extension, which has been built (not yet complete) measures 6637mm projection at ground floor and 7600mm wide. The first floor projects 4692mm x 7600mm wide and the roof would be pitched.

The proposed balcony would measure 7600mm wide x 1945mm projection. It would have a 1100mm high parapet wall built up from the extension below and to either side there would be an obscurely glazed privacy screen measuring 600mm above the 1100mm high wall, resulting in screening of 1700mm high to both sides of the balcony. The walls would be finished with render and the roof would be finished with materials to match the existing property.

Relevant Planning History

67732 - Two storey and single storey rear extension - Approve with Conditions 20/01/2022.

Publicity

7 neighbours notified on 24/07/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
H2/3	Extensions and Alterations
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
PfE	Places for Everyone
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity, and the impact of the proposal on the surrounding Green Belt..

Principle (Green Belt)

Paragraphs 152 and 153 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 154 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. 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 - New Buildings in the Green Belt states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages as set out under Policy OL1/3.

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 its own merits.

The proposal would equate to more than the recommended 33% volume increase as per SPD8 but given that the site is quite large and the extension would be built wholly within the residential curtilage it would not be considered disproportionate compared to the original dwelling. It is also noted that the whole of Simister village, which is a fairly large residential

area is located within the designated Green Belt and the site is surrounded by various types of residential properties. As such the proposed development would not have any significant detrimental impact on the openness of the surrounding Green Belt.

In this instance it is considered that the proposal would not conflict with the surrounding land uses, nor would it create harm to the openness of the Green Belt given the above circumstances. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt and it would be considered that the proposal complies with the NPPF, UDP Policies OL1/2, and associated guidance in SPD8.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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.

The proposed extension would be to the rear of the existing dwelling and as such would not be readily visible in the public realm. The proposed design and finished materials used in the construction of the proposed extension would be considered to be acceptable in this location.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- There would be just over 30,000mm of garden area remaining to the rear of the extension.
- As the extension would be to the rear of the dwelling there would be no impact on properties to the front, or existing parking arrangements at the front of the site.
- Properties to the south on Simister Lane would be more than a sufficient distance from the side of the extension not to have any significant detrimental impact on residential amenity.
- No.10 Droughts Lane (attached) has a single storey extension adjacent to the shared boundary with a two storey extension further over. In 2021 planning permission was awarded at this property for a single storey extension adjacent to the shared boundary. However, this permission has never been implemented. The previously approved development at No.8 referenced the neighbour's planning application and was granted permission based on that planning application.
As the previously approved extension at No. 8 has not been commenced, the proposed development would contravene the 45 degree rule at both ground and first floor levels. However, the proposed extension was commenced within the required time period and is being built in accordance with the approved plans. Given that the extension as built had the appropriate planning permission, the fall back position of implementing the previous consent must be taken into consideration when assessing this application.
- The overall projection of the extension along the shared boundary with No.10 would be the same as what has previously been approved and built. The difference is that where there would have been a pitched roof, there would now be a balcony projecting 1945mm beyond the rear of the two storey element. There would be a 1100mm high parapet wall built up from the single storey extension below to provide the balustrade to the balcony. The wall would contravene the 45° rule with regards to the first floor bedroom window in the property next door, which is an original window, albeit in an extension. The highest point of the balcony wall would be of a similar height to the pitch of the roof which was previously approved. Therefore the impact of the rest of the side wall, on the bedroom window at No.10 needs to be assessed. As the wall would only be 1100mm high it would not restrict light any more than the approved pitched roof and the

already built two storey extension would. As such, in this instance although the 45° rule would be compromised it would not be sufficient enough to warrant refusal.

- The original drawings showed that a 600mm high obscurely glazed privacy screen would be positioned on top of the parapet wall adjacent to the shared boundary with No.10 Droughts Lane. As the owners of the attached property did not implement the previous planning permission the area directly adjacent to where the balcony would be is a patio area. As such the impact on this area needs to be considered, which would include privacy and also noise related concerns.
The balcony would be around 553mm away from the shared boundary with the attached neighbour. This close proximity could result in users of the balcony being able to look over the amenity space to the rear of the house and it could be detrimental in terms of noise levels from the balcony to the first floor bedroom window of the neighbouring house. As such revised drawings were requested showing the privacy screen pulled away from the shared boundary by 1000mm. This would ensure that the proposed development would not have a significant adverse impact upon the amenity of the neighbouring property. A condition would be added to the decision to ensure this would remain in situ at all times in the future.
- As there is a lane in between the site and properties on Simister Lane to the south there would not concerns regards loss of privacy at these properties.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

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 an area at the front for parking up to 2 vehicles and there are no parking restrictions to the highway in front. In this instance then the parking arrangements are considered sufficient.

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 drawing numbered 8/DL/1/E 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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 H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

- 4 Before the first occupation of the extension hereby permitted the rear balcony shall be fitted with an obscurely glazed privacy screen to both sides as shown on the approved drawing measuring no less than 1700mm high from the balcony floor level and shall be permanently retained in that condition thereafter.

Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and 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>
AU - 16/08/2024		DM - 20/08/2024	