

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 14/11/2022	Ref: 68906/FUL
Registration: 21/09/2022	LDFC: 31/10/2022	Expiry Date: 16/11/2022
Site Visit: 24/10/2022	Site Notice: 24/10/2022	Press Date: 13/10/2022
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey outbuilding for garage and storage

Location: The Bungalow, Wood Road Lane, Bury, BL9 5QA

Description

The proposal relates to an unextended bungalow located adjacent to a complex of agricultural buildings and set back over 20m from the adopted highway. It falls within relatively generous grounds with a drive from Wood Road Lane, and falls within the Special Landscape Area, River Valley and Greater Manchester Green Belt. Wood Road Lane is also a Public Right of Way (PRoW).

The proposal is for a single storey garage and storage building to be positioned adjacent to the bungalow immediately abutting the wester boundary. It would have a footprint of 12.3 x 4.8m and would be 3.9m high to ridge. It would be finished with timber cladding with timber garage doors and roof tiles. No trees would be affected by the proposal.

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Relevant Planning History

67924: Outbuilding for garage and storage. Withdrawn 14/07/2022.

Publicity

Advertised by site notice and direct neighbour notification. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection.

Public Rights of Way Officer: No comments received.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN6/4	Wildlife Links and Corridors
EN9/1	Special Landscape Areas
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL5/2	Development in River Valleys
H2/3	Extensions and Alterations
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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) 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.

ASSESSMENT

EN1/1 - Visual Amenity - states that development will not be permitted where proposals would have a detrimental effect on the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

EN6/4 - Wildlife Links and Corridors - seeks to ensure that new development within or adjacent to identified links or corridors contributes to their effectiveness through the design, landscaping and siting of development proposals and mitigation works, where appropriate.

EN9/1 - Special Landscape Areas - requires development to be sympathetic to its

surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected and unduly obtrusive development will not be permitted in such areas.

OL1/2 - New Buildings in the Green Belt - states that the construction of new buildings inside the Green Belt is inappropriate development, unless amongst other things it is for the 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.

OL5/2 - Development in River Valleys - Within the River Valleys, new buildings will not be permitted except where development would not lead to the division of the open parts of the valleys into sections. and it falls within the terms below:

Principle and impact on visual amenity of the Green Belt

Inappropriate development is, by definition, harmful to the Green Belt. The NPPF states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, subject to exceptions, one of which is *'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'*. In this respect, the NPPF does not provide any specific definition of what constitutes a disproportionate addition. Essentially, the measure of (dis)proportion is usually taken to be an assessment of the volume, mass, scale, footprint and dimensions of a proposal relative to the original and its impact on the openness of the Green Belt.

SPD8 states that In general terms, the Council may allow an extension to be up to a third of the volume of the original dwelling. However, each proposal will be considered on its own merits and even an increase up to a third may not be appropriate in certain situations (e.g. if the site is a particularly sensitive area or if there are other amenity issues). In Special Landscape Areas, the Council will expect particularly high quality design and materials.

The proposed outbuilding would be positioned around 4m south of the bungalow and within the defined residential curtilage and would be backdropped by large scale agricultural buildings. As a result, the proposed building would read as an extension to it and the functional relationship would be strong, being viewed together from the highway and PRoW to the eas. The submitted volume calculations indicate that the proposed building, would amount to a total increase in volume over and above the volume of the original house by 19% (Original dwelling = 918m³, proposed building 170m³).

Given the above circumstances, it is considered that the proposed building would be both physically and functionally related to the main dwelling and thus should be assessed as being an extension to it. The proposed building would be of a footprint and mass that would not be disproportionate to the size of the original dwelling. Additionally, it would be partially obscured in some views when travelling along Wood Road Lane by existing trees and shrubs and backdropped by the larger agricultural buildings.

Therefore, the proposed development would not harm the openness and character of the Green Belt or Special Landscape Area and would be in accordance with Policy OL1/2 of the Bury Unitary Development Plan and the NPPF

Design and layout

The proposed building would be of a scale, form, proportion and materials that would be appropriate in the rural context and would not detract from the appearance and character of the area.

Impact upon residential amenity

Nearest neighbouring dwellings are a significant distance from the site (i.e. around 50m distant). Therefore, the proposal would not have any impacts on neighbouring amenity and would be in accordance with Policy H2/3 of the Bury Unitary Development Plan.

Highways issues

The proposed building would be positioned adjacent to the existing driveway over 40m from the junction with the adopted highway. It would therefore have no implications in relation to access and traffic.

Conclusion

The proposed building would not represent a disproportionate addition to the existing dwelling and would not have any unacceptable impacts on the openness of the Green Belt, visual or residential amenity or highway safety. Given this, the proposal would be compliant with the above stated policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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:
Site Location Plan & Site Plan (Dwg no. BUN-RALA-ZZ-XX-DR-A-(PL)-0000 P00);
Proposed Plans (Dwg no. BUN-RALA-ZZ-XX-DR-A-(PL)-0001 P00);
Proposed Elevations & Materials (Dwg no. BUN-RALA-ZZ-XX-DR-A-(PL)-0002 P00);
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 as detailed within the approved application particulars.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/1 and OL5/2 of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DC	14/11/2022		