

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Mo Warsame     | <b>Date of report:</b> 07/06/2024 | <b>Ref:</b> 70636/FUL          |
| <b>Registration:</b> 15/04/2024 | <b>LDfC:</b> 07/05/2024           | <b>Expiry Date:</b> 10/06/2024 |
| <b>Site Visit:</b> 24/05/2024   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Garage conversion and front porch

**Location:** 135 Bury & Bolton Road, Radcliffe, Manchester, M26 4JY

**Description**

The application relates to a two-storey semi-detached house within a designated Green Belt. The site has a drive to the side leading to an integral garage. There is a garden to the front and a larger garden to the rear. The adjacent neighbours on either side are No. 133 and No. 137 Bury and Bolton Rd and there no properties to the front and rear of the site.

The proposal is to convert the existing garage into a habitable space as well as the erection of a front porch. There would be no changes to the exterior apart from the removal of the existing door at the front which would be replaced with another door. The proposed porch would project 1.15m to the front and run 2.6m to the side. The development would be constructed using matching materials.

**Relevant Planning History**

None.

**Publicity**

Neighbour letters sent. No objections received.

**Statutory/Non-Statutory Consultations**

N/A

**Pre-start Conditions**

N/A

**Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| OL1   | Green Belt                                                  |
| OL1/2 | New Buildings in the Green Belt                             |
| OL1/3 | Infilling in Existing Villages in the Green Belt            |
| SPD8  | DC Policy Guidance Note 8 - New Buildings in the Green Belt |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| 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.

### **Green Belt**

The application site is located in the Green Belt. Paragraphs 143 and 144 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 145 of the National Planning Policy Framework (NPPF) states that the construction of new buildings within the Green Belt are inappropriate. Exceptions to this are:

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of the 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 it;

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;

d) the replacement of a building, provided the new building is in the same use and is 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.

The NPPF continues that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

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.

Policy OL1/2 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.

Policy OL1/3 states that in all named villages which lie within the Green Belt, limited infill development may be permitted, provided that it is in scale with the village and would not adversely affect its character or surroundings. In addition even if a development may cause harm to the openness of the Green Belt it may still be acceptable if very special circumstance (VSCs) are demonstrated.

The proposal would represent a modest increase of 23.6% in volume (calculated by the agent). This would be well within the recommendations as set out in SPD 6. Given, the modest size of the proposed front porch and the fact that the applicant could convert the garage into living space as Permitted Development. It would be considered that the proposal would not have any seriously detrimental impact on the openness or the character of the surrounding Green Belt.

### **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.

Apart from the replacement of the existing garage door to the front elevation with new door, there would be no other changes to the garage externally. The proposed front porch would be a modest and simple structure projecting 1.15m to the front and as such it would not cause any significant detrimental harm to the existing street scene.

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**

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- There are no properties to the front and rear.
- There would be no new windows to the side adjacent to the boundary.
- It should be noted that the applicant could convert the garage into living space as Permitted Development. PD rights have not been removed from this site.
- The proposed front porch would be a modest simple structure and there would be ample parking spaces remaining within the site.

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 not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. However, in converting the garage at least one parking space would be lost within the site. As there is a large drive area to the front of the site which could accommodate at least two vehicles parking arrangements, it would be considered acceptable in this instance.

**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 dwg no.ZT24-196-01, dwg no.ZT24-196-02, dwg no.ZT24-196-03, dwg no.ZT24-196-04 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 listed.
- 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.

**DELEGATED REPORT**

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| MW                  | 07/06/2024  |                         |             |