

DELEGATED REPORT

Report by Amanda

Date of report: 09/02/2022

Ref:67912/FUL

Uhunmwagho

Registration: 20/12/2021

LDfC: 27/01/2022

Expiry Date: 14/02/2022

Site Visit: 13/01/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: PI

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: First floor rear extension; Extend rear balcony full length; Change rear first floor window to double door

Location: 6 Crown Mews, Bolton Road, Tottington, Bury, BL8 4JW

Description

The application property is one of three mews style homes with accommodation over four floors. The building was originally a cotton mill built circa 1830 and the building is on the Local List. The property is in Hawkshaw Village which is part of the designated Green Belt.

The dwelling is built over four floors. To the rear elevation there is a garage and another room at basement level. There is an external door to the rear elevation at this level as well as the garage door. There is a drive area directly to the rear of the dwelling but the drive way is communal, providing vehicular access to numbers 2 and 4 Crowns Mews to the west.

Beyond the drive area there is a lawned garden area with fences to three sides and planting and a small wall where it meets the driveway. To the north of the site are open fields and to the east of the main building is no.8 Crown Mews which is a detached bungalow.

There are two steel industrial style staircases to the rear of the dwellings. One provides access up to the rear of no.2 Crown Mews and the second provides access to numbers 4 and 6. All of the properties have balconies to the rear.

The proposal is to build a first floor rear extension, extend the rear balcony across the width of the property and change a first floor window to a double door. The extension would be built to the rear of the kitchen where there is an existing terrace and it would be accessed via the kitchen and living room. It would project 3.12m from the main rear elevation and would measure 4.66m wide. It would have a glazed roof and the wall along the boundary with no.4 next door would have a high level window.

At the rear of the property there are existing steel industrial stairs leading to a landing area providing access to the rear of numbers 4 and 6 Crown Mews. The applicant proposes to construct a small balcony across the width of the dwelling which could be accessed from the existing landing area as well as from the proposed dining area and living room. It would project 1.5m out to the rear and it would measure 9.61m wide. The existing living room window on the rear elevation would be replaced with external doors.

Relevant Planning History

02660/E - Rear Conservatory - Enquiry completed 01/12/2021

Publicity

Immediate neighbours notified on 06/01/2022 - No comments or objections received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

OL1	Green Belt
OL7/2	West Pennine Moors
EN9/1	Special Landscape Areas
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design

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.

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 openness of the Green Belt.

Principle (Green Belt)

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 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 Green Belt Statement submitted as part of the design and access statement with the application, concludes that the proposal would result in a volume increase of 8.6% which would be well within the 33% limit as stated in SPD 8. The extension would be a relatively small extension on the rear of the existing property that would only be visible from the rear

of the adjacent properties.

Given the above, 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. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt and it is considered that the proposal complies with UDP Policies OL1/2, SPD8 and the NPPF.

Visual Amenity and Heritage -

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 dwelling is included on the draft local list and in consideration of paragraphs 194-205 of the NPPF is considered to be a non-designated heritage asset. As such, it is necessary to assess the proposal in terms of paragraph 203 of the NPPF which states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application." and a balanced judgement is required having regard for the scale of harm or loss to the particular heritage asset.

The building was originally a cotton mill built circa 1830. Planning permission was granted in 1994 to convert the property into three separate four storey dwellings. The plans show that whilst adding a contemporary element to the property with the full length glazed windows and aluminium frames the single storey extension would also retain the character of the existing building by building the side wall and front corner of the extension in stone to match the existing dwelling.

The proposed balcony would be constructed using materials that would match the existing stairs and balustrades/railings which are situated to the rear of these three mews properties. Both the extension and the balcony would be to the rear of the property meaning that they would only be visible from the gardens of the adjacent properties and not the main public vantage points. The standard materials condition is to be applied.

Taking the above into account it is considered that the design of the proposal is considered to be in keeping with the existing building and as such there would be no significant detrimental impact on the character of the existing property which is a non-designated heritage asset, or the surrounding area. Therefore, the proposal conforms to Bury UDP Policies EN1/2 - Townscape and Built Design, H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity and the NPPF.

Residential Amenity-

- The plans show that the extension and extended balcony would be built wholly on land belonging to the applicant and certificate A has been signed.
- The extension would project approximately 3.1m adjacent to the shared boundary with no.4 Crown Mews to the west. There are two large windows on the rear of no.4 with a large set of patio doors to the centre. These windows and doors are to a kitchen/dining room. SPD 6 states that a single storey extension should project up to 3m along a shared boundary at which point the 45° rule should be taken into consideration. As the measurement would be taken from the centre of the patio doors at no.4 the 45° rule would be satisfied in this instance.
- The extension would project just over 3m beyond the original rear elevation and the balcony a further 1.5m. It is noted that the next door neighbour has not objected to the proposal. As such the proposal would be considered acceptable in terms of the larger homes scheme.
- The side elevation adjacent to no.4 would be finished with stone and there would be a high level window. With this in mind not only would there be no significant detrimental impact on privacy levels to the rear of the attached dwelling, the extension would afford

both the applicant and their neighbour more privacy given it would replace a low set of railings along the boundary.

- The balcony would extend slightly further out compared to the existing landing. It is considered that it would not have any more of an impact on privacy levels at the neighbouring properties to what is on site now.
- Given the extension would be built attached to part of the dwelling that projects past the main rear elevation it would not be openly visible from no.8 Crown Mews to the east and any views from the extension would be directly to the rear overlooking the communal driveway and applicant's garden.
- There would be a separation distance of around 8m from the east corner of the balcony to no.8 Crown Mews, a detached bungalow to the east. As any views from this part of the balcony would be towards the garage and drive way at this property the separation distance of 8m would be acceptable in this instance.
- The balcony would be built 2.74m from the ground level below. This would be at the same level as the existing balcony to the rear of the property. As such it would not interfere with the existing parking arrangements below.

Taking the above into account the proposal would conform to Bury UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of residential amenity.

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 AD2108 01 Rev A, AD2108 02 Rev A, AD2108 03 Rev C, AD2108 04, AD2108 05 Rev B and AD2108 07 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 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.

<u>Case Officer</u> AU - 09/02/2022	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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