

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 22/09/2022	Ref: 68626/FUL
Registration: 01/07/2022	LDFC: 26/08/2022	Expiry Date: 26/08/2022
Site Visit: 08/08/2022	Site Notice: 08/08/2022	Press Date: 11/08/2022
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of a building to additional living accommodation; Two storey side extension and Single storey front extension

Location: Further Davises Farm, Mather Road, Bury, BL9 6TJ

Description

The premises is located within the Green Belt and comprises a detached two storey farmhouse accessed via a driveway from Mather Road. The site is bounded by open fields. The building is of a traditional appearance with a distinctive linear character comprising of a wide frontage and a comparatively narrow gable. The building includes a two storey wing with a dual pitched roof set forward of the main elevation. Two storey ancillary buildings are also attached to the side of the property that are not currently within residential use.

A number of unauthorised works have been undertaken at the site, including a single storey front extension and two storey side extensions. Both structures are partially completed, with works stopping on site once planning enforcement made contact with the applicant.

Planning permission is sought for the change of use of an attached building to additional living accommodation and a two storey side extension that projects approximately 3000mm and single storey front extension that projects approximately 1200mm.

The proposal is the same as that dismissed at appeal in terms of scale and dimensions, but the proposed fenestration detailing has been amended to account for the Inspector's reason for refusal. These have been further amended since the original submission.

Relevant Planning History

66800 - Change of use of a building to additional living accommodation; Two storey side extension and single storey front extension. Refused 31/08/2021 and subsequently dismissed at appeal

65417 - Lawful development certificate for existing use as cottage (Cottage 2) - Refused 09/06/2020

65416 - Lawful development certificate for existing use as cottage (Cottage 1) - Refused 09/06/2020

Publicity

Direct notification undertaken and site notice posted. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section (taken from 66800): No objection, subject to conditions to ensure that

vehicular access to the site shall be gained via Public Right of Way (Public Footpath) No. 21, Bury, as indicated on the approved location plan.

Greater Manchester Ecology Unit: No objection, subject to a condition requiring the development to be carried in accordance with the details contained in the bat survey and biodiversity enhancement.

Unitary Development Plan and Policies

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

to implementation in accordance with the Bat Survey Report.

CONCLUSION

The proposed extension to the existing building would not result in any unacceptable impacts on the character of the Green Belt, visual or residential amenity. It was also considered that the proposal, with its scale and use of materials, would be in keeping with the character of the property. The proposal is in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

However, in dismissing the subsequent appeal, the Inspector considered that having regard to the linear nature of the existing dwelling and the subservient nature of the proposed extensions, their modest scale, and the fact that together they fell within the guidelines for extensions in Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt, then the scheme would not result in a disproportionate addition to the existing building.

Thereafter, the Inspector considered that the proposed comparatively wide window openings would not be reflective of the existing fenestration in the building and that it would also be at odds with the existing high solid to void ratio that is characteristic of the existing building. The resulting harm arising to the host building from the proposed fenestration would be easily visible from the public right of way and would result in harm to the character and appearance of the area. For this reason, the appeal was dismissed.

The proposed extension is therefore of the same scale, dimensions and mass as the former, but the proposed window dimensions/proportions to the side elevation of the extension would be much reduced. Specifically, the width of the windows have been reduced and the proportions would have a greater vertical emphasis and some windows have been replaced with smaller ones in different positions to give a more random layout, akin to traditional vernacular agricultural buildings. Externally, the proposed extension would be finished in coursed natural stone (mainly square/rectangular in form) to match existing walls of the adjoining building (other parts of the building are finished in random stone) and the roof in natural blue slate.

Given the above circumstances, the proposal would not constitute a disproportionate extension to the existing building, would suitably assimilate with the host building and would not have any unacceptable impacts on visual amenity.

Public Rights of Way

One bigger dwelling would be considered to be acceptable in highways terms. The site can be accessed from right of way 21BUR and 24BUR. Recent building work in the area appears to have caused deterioration of the latter bridleway. The site however appears to be accessed via bridleway 21BUR.

As a result of the aforementioned building work however, the public rights of way officer (when commenting on the previous proposal) sought to ensure that proper consideration is given to how the site is accessed during development, both in terms of the route taken and the vehicles used. 21BUR is the obvious route and is outlined in red on the submitted plan. That would be the preferred route and 24BUR should not be used and a condition was proposed to ensure this. Such a condition should therefore be applied in relation to the present proposal.

Residential Amenity

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

Due to the location of the site no residential amenity issues are foreseen.

Other matters

The GMEU are satisfied that the proposal would have no adverse impacts upon ecological

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 dated 01/07/2022
Proposed Site Plan dated 01/07/2022
Proposed Ground Floor Plan (Dwg no. 5 D)
Proposed First Floor Plan (Dwg no. 6 C)
Proposed Elevations (Dwg no. 4 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 Unitary Development Plan listed.
- 3 No development comprising the erection of any external walls shall take place until details of the materials to be used for the external surfaces, boundary treatments, including the refuse/recycling compound, and areas of hardstanding have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and the materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.
Reason. No material details have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
- 4 Vehicular access to the site shall be gained via Public Right of Way (Public Footpath) No. 21, Bury, as indicated on the approved location plan. There shall be no direct means of vehicular access between the site and Public Right of Way (Bridleway) No. 24, Bury.
Reasons. In the interests of the safety of the users of the Public Right of Way pursuant to Policy EN1/2 of the Bury Unitary Development Plan.
- 5 A bat box shall be provided and the development shall be carried out in accordance with the details contained in the Bat Survey Report, Envirotech reference 7210 Section 9.2.1.1.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 and EN6/3 of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

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<u>Case Officer</u> DSC	<u>Date</u> 20/09/2022	<u>Sign off Officer</u>	<u>Date</u>
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