

DELEGATED REPORT

Report by Helen
Goldsbrough

Date of report: 07/12/2020

Ref:66129/FUL

Registration: 27/10/2020

LDFC: 03/12/2020

Expiry Date: 22/12/2020

Site Visit: 05/11/2020

Site Notice: 05/11/2020

Press Date: 12/11/2020

Objections: 0

Con Area: N/A

Adv Type: ARW

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: First floor extension at side with additional window

Location: 41 Arthur Lane, Radcliffe, Bolton, BL2 5PR

Description

The application relates to a semi-detached dwelling house located on Arthur Lane. The Site can be accessed on foot via a public right of way at the front of the property, with vehicular access gained from an unadopted road to the rear of the property. Parking is provided to the rear of the site with areas of garden to the front and side. The premises has an existing single storey wrap around front and side extension, and single storey porch extension to the rear. The site is located within the Green Belt.

Planning permission is sought for the construction of a first floor side extension. The proposed extension would project approximately 3022mm to the side of the dwelling running flush with the principal front and rear aspects. The application is a resubmission of application 65895 with the inclusion of a first floor side window facing towards the shared boundary with the property to the west.

Relevant Planning History

02308/E - Increase single storey extension to full height on existing property and convert stables to accommodation or offices - Enquiry completed 02/07/2019

65895 - First floor side extension - Approve with Conditions 19/10/2020

Publicity

Neighbour letters - 3/11/2020

Site notice - 5/11/2020

Press notice - 12/11/2020

No representations received.

Statutory/Non-Statutory Consultations

Public Rights of Way Officer - The application acknowledges the presence of public footpath number 45, Christchurch, Radcliffe through the site. Whilst the proposed development will not obstruct the public right of way, it may be necessary for the applicant to apply for a temporary closure to be in place during the demolition/construction of the development if it is not possible to maintain safe public access at this time. Informative to be added in relation to the public footpath.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN2	Conservation and Listed Buildings
EN9/1	Special Landscape Areas
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 victimization;

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 - Principle

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 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) provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation;
 - c) extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;
 - d) replacement of a building, providing 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 community needs under policies set out in the development plan (including policies for rural exceptions sites); and
- 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 with in the area of the local planning authority.

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.

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 it's own merits.

Original dwelling volume: 580 cubic metres
Wrap around extension volume: 192 cubic metres
Porch volume: 13 cubic metres
Proposed extension volume: 92 cubic metres

The combined volume of the existing and proposed extensions is approximately 297 cubic metres. This would equate to additions of approximately 51% of the volume of the original dwelling. As this exceed the 33% set out within SPD 8 the applicant has therefore put forward a case for VSC.

Impact on Green Belt

The statement submitted with the applications states "buildings that have been demolished had a floor area of 48 square metres, nearly twice the floor area of the extension" It is unclear what buildings this refers to as there are no external buildings shown on the ordnance survey available for the site, and no buildings currently on site. Having reviewed Council aerial photographs there do appear to be outbuildings located to the west of the main outbuilding and as such it is assumed these are the buildings that are referenced. As these buildings have been removed however their height, scale and massing can not be considered.

It is accepted that the footprint of the house will not be enlarged, as the proposed extension

is sited above an existing single storey side extension however it's massing will be enlarged when viewed from Arthur Lane, and the adjacent public right of way and as such it has potential to impact on the openness of the Green Belt in this respect. The assertion that the extension would improve the appearance of the house is subjective and not considered to be relevant in terms of VSC.

The final point put forward is that the extension is not visually prominent. It is within an existing small group of dwellings. SPD 8 states that careful consideration should be given to the impact of a proposal when viewed from several locations within the immediate vicinity and wider countryside. The view of the proposal from main roads, public footpaths and settlements in particular will be given significant weight when assessing planning applications. The first floor side extension would be visible from Arthur Lane, Footpath 45CC and the undaopted access to the rear.

It is accepted that the site already forms a cluster of residential Green Belt Development with a residential barn conversion to the west, an attached dwelling to the east and a further residential property to the east. There are also stables located to the south of the site. This ribbon of development is particularly depicted by a row of two storey properties fronting a main road.

Whilst the proposal would lead to an addition to the side of the dwelling this extension would be viewed within the context of the existing cluster of development identified along Arthur Lane. The ridge height of the existing dwelling would be retained. Given the above matters and the case presented, it is considered that these points do amount to very special circumstances and given the nature of this particular scheme, the site and its context in accepting the development, it is considered that it outweighs the in principle harm to Green Belt.

The proposed site is an established cluster of built residential development. As such, 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 therefore it is considered that the proposal complies with UDP Policies OL1/2, SPD8 and the NPPF.

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.

SPD 6 seeks to prevent first floor side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. There is no set back proposed. In this instance however the site is limited to a single pair of semi detached properties, with a barn conversion dwelling to the west. As such, it is considered that the first floor addition would not lead to the uncharacteristic linking up of dwellings.

The proposed extension would have a pitched, gable roof replicating the shape and style of the original dwelling. The proposed windows to the front, side and rear are considered to be suitably aligned when viewed in relation to the existing dwelling, and include matching cill details. The use of materials to match the existing dwelling are considered to be acceptable. The proposed extension would be located above an existing ground floor extension and as such it is considered that the proposal would not lead to over development of the associated residential amenity space.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

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

The proposed extension would be offset from the dwelling to the west, however there is an oblique relationship with the side windows of this property that needs to be assessed. SPD 6 requires a distance of 13 metres between ground floor habitable room windows, and two storey elevations. A minimum distance of approximately 13 metres can be provided between the proposed first floor, and the side elevation of the neighbouring property and as such the proposal is considered to comply with aspect standards.

The proposed first floor side window would be a secondary window, with the principal window located on the front elevation. The proposed window would be located approximately 11.5 metres from the shared boundary with the property to the west, exceeding the 7 metres required by SPD 6 for first floor habitable room windows. In this instance considering that the window is a secondary opening, that complies with aspect standards the introduction of a side window is considered to be acceptable.

There are no residential dwellings directly to the front, or rear of the proposal site. The proposed extension would not project beyond the principal front and rear elevations of the dwelling and as such would not impact on the residential amenity of the attached dwelling.

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 Location Plan, Existing and Proposed Site Plan, 20/554/01, 20/554/02, 20/554/03, 20/554/04A and 20/554/05A 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Helen Goldsbrough	7/12/2020		