

DELEGATED REPORT

Report by Amanda

Date of report: 18/12/2024

Ref:71254/FUL

Uhunmwagho

Registration: 13/11/2024

LDFC: 05/12/2024

Expiry Date: 08/01/2025

Site Visit: 28/11/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey rear extension; Loft conversion with rear dormer

Location: 37 Farm Lane, Prestwich, Manchester, M25 2RX

Description

The application relates to a two storey semi-detached house located in Simister Village, which lies within the designated Green Belt. There is a small front garden with driveway to the side of the house leading to a detached garage. At the rear there is a conservatory on the rear elevation and a patio area. The rear garden is accessed via steps down from the patio. There are fences to all boundaries and to the rear of the site are two detached dwellings with an access road in between them and the site.

The proposal is to build a two storey rear extension and a loft conversion with a rear dormer. The extension would project 2925mm from the original rear elevation and it would measure 5081mm wide. At first floor it would project 2925mm on the east side and 1108mm to the west side. The roof would be pitched and there would be a flat roof dormer to the rear which would be cladded. The drawings also show that there would be an area of decking at a height of around 759mm.

Relevant Planning History

N/A

Publicity

6 neighbours notified on 14/11/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
PFE	Places for Everyone
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.

The main considerations of this application are the impact of the proposal on visual and residential amenity, and the impact on the surrounding Green Belt.

Principle (Green Belt)

Paragraphs 152 and 153 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 154 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.

The Green Belt statement included with the application states that the extension would have a volume increase of 33% which would be the limit as suggested in SPD 8, however in some locations a larger increase would still be considered acceptable in certain situations.

There are no specific tests on openness set out within the NPPF, and every site would be assessed on its own merits. The site is quite large and the rear extension would not project excessively beyond the rear elevations of the adjacent properties and all of the development would be within the original residential curtilage.

The whole of Simister Village is located within the Green Belt and there are many different types and sizes of properties, many of which have been extended. The proposed extension would be to the rear of the dwelling and would only be visible from the rear of the site. It would be similar to a neighbouring extension two doors along the row. The extension would be built wholly within the residential curtilage. As such the volume increase of 33%, would not be considered inappropriate in the existing streetscene compared with other properties in the immediate vicinity.

In this instance it is considered that the proposed development would not detrimentally affect the openness of the surrounding Green Belt and the proposal would be considered acceptable in terms of UDP Policies OL1/2, SPD 8 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.

As all of the development would be to the rear of the dwelling the extension and dormer

would not be readily visible in the public realm. It would be built with materials that would be considered to be in keeping with the existing dwelling. Due to the dormer being added to the rear of the roof the construction of the roof on the two storey extension is a little unconventional. The roof would need to be dropped down at the point where it would meet the original roof so that it won't affect the position of the dormer. This would result in a valley type gutter between the dormer and the new roof. Although this is not ideal it wouldn't be openly visible in the streetscene and as such there would be no reason to refuse the proposal.

The dormer would be built with materials and a design that would be considered to be acceptable on this property.

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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- There would be over 10,000mm from the dormer to the rear boundary, which would be acceptable in terms of SPD 6.
- There would be over 7000mm from the new first floor bedroom window to the rear boundary. This would be acceptable in terms of SPD 6.
- The first floor section adjacent to the shared boundary with no.38 would project 1108mm from the rear elevation and the side wall would be around 130mm away from the boundary. As such this would satisfy the requirements as set out in SPD 6.
- The extension would project around 2925mm at ground floor level along the shared boundary with no.38.
- On the east side the two storey extension would project just under 3000mm from the original rear elevation. Given that the side elevation would be around 3000mm from the shared boundary with no.36 the extension would not have any significant detrimental impact on residential amenity at that property.
- There would be no windows to either side elevation.
- At the rear of the extension there would be an area of raised decking measuring around 759mm high, which would be similar to the height of the existing patio.
- The proposed extension and dormer would not have any impact on the existing parking arrangements 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. The parking arrangements would remain as existing where there is parking to the drive at the front of site.

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 2303/L1-002 Rev A, 2235/L2-100 Rev A, 2235/L2-200 Rev B, 2235/L2-300 Rev B and 2235/L2-301 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 in terms of visual amenity, and Places for Everyone Joint 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 18/12/2024		HL - 18/12/2024	