

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Mo Warsame     | <b>Date of report:</b> 19/12/2024 | <b>Ref:</b> 71214/FUL          |
| <b>Registration:</b> 30/10/2024 | <b>LDFC:</b> 20/11/2024           | <b>Expiry Date:</b> 25/12/2024 |
| <b>Site Visit:</b> 06/12/2024   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| 10:00:00                        |                                   |                                |
| <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:** Demolition of conservatory; Single storey side extension

**Location:** Lower Hill Top Barn, Hollymount Lane, Tottington, Bury, BL8 4HP

### **Description**

The application relates to a detached barn conversion located on Hollymount Lane. The premises has a driveway and off street parking to the front, with gardens to the front, side and rear. The premises has been previously extended at single storey to the side.

Planning permission is sought for the construction of a single storey rear extension following the removal of the existing conservatory. The extension would projects a maximum of approximately 13000mm from the side of the main dwelling, 4000mm beyond the existing conservatory. The extension would facilitate an open plan diner/snug area. ieaves. The development would have a pitched roof with sun-roofs.

### **Relevant Planning History**

60932 - Two storey extension at side - Approve with Conditions 14/02/2017

67636 - Single storey side extension - Approve with Conditions 16/12/2021

### **Publicity**

Neighbour letters sent no objections received.

### **Statutory/Non-Statutory Consultations**

N/A

### **Pre-start Conditions**

N/A

### **Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| EN1/1 | Visual Amenity                                              |
| EN1/2 | Townscape and Built Design                                  |
| EN1/3 | Landscaping Provision                                       |
| EN2/3 | Listed Buildings                                            |
| EN6/3 | Features of Ecological Value                                |
| OL1/2 | New Buildings in the Green Belt                             |
| SPD8  | DC Policy Guidance Note 8 - New Buildings in the Green Belt |
| NPPF  | National Planning Policy Framework                          |
| H2/3  | Extensions and Alterations                                  |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |

### **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 and as such, paragraph 149 is relevant.

Paragraph 149 of the NPPF states that the construction of new buildings would be inappropriate in the Green Belt. 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 if 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 OL/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 disproportionate SPD 8 considers additions of up to a third (33%) of the volume of the original dwelling, notwithstanding other material planning considerations such as design and visual appearance. 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.

In this instance, the proposed side extension would result a 22.6% increase. This would be well within the 33% limit stated on SPD 8. Overall, the proposed development would perseve the openess of the 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.

The proposed side extension would be a simple and unobtrusive design that would not overwhelm the dwelling. Moreover, the extension would be constructed with modern materials such as glass that would compliment the existing dwelling. It would be tucked in to the side and as such would not be prominent feature of the street scene.

Overall, the proposed development would not have a detrimental impact upon the character of the dwelling and would not be a prominent feature in the street scene. Therefore, the proposed development would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

### **Residential amenity**

The proposed extension would have a setback of over metres from the shared boundary with the neighbouring properties and the proposed side wall on this side would project a blank wall. Moreover, the site and these properties are also screened by fencing and there is a sufficient distance to the properties on the opposite side.

Overall, there would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

**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 the drawings received on 01/10/2024 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 and Places for Everyone Joint Development Plan listed.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| MW                  | 19/12/2024  | DM -                    | 20/12/2014  |