

DELEGATED REPORT

Report by Sam Summers	Date of report: 31/05/2024	Ref: 70622/FUL
Registration: 25/03/2024	LDfC: 26/04/2024	Expiry Date: 20/05/2024
Site Visit: 01/04/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor side extension

Location: White Paddocks Lodge, Harwood Road, Tottington, Bury, BL8 3PT

Description

The property is a detached stone built part single part two storey dwellinghouse in the grounds of White Paddocks Farm, which is in the Green Belt. The larger, main property in the grounds is to the south approximately 50 metres away. There are other farm outbuildings to the west of site and open countryside all around. Harwood Road is to the east of site. The application is for a first floor extension to the property. This extension would turn the property from a part single part two storey building into a two storey building. The original building was a bungalow which was extended under planning permission 58208.

Relevant Planning History

52495 - Two-storey extension to rear, internal remodelling and erection of a conservatory to the side elevation. - Approve with Conditions 27/05/2010

69026 - Application for prior approval of a proposed enlargement of a dwellinghouse by construction of additional storeys - Proposed addition of one storey to create a two storey house - Withdrawn by Applicant 29/11/2022

70045 - Application for prior approval of a proposed enlargement of a dwellinghouse by construction of additional storeys - Proposed addition of one storey to create a three storey house (maximum height 9.08 metres) - Application in progress

Publicity

Neighbour letters sent 04/04/2024. No representations received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Development Plan and Policies

JP-G9	The Green Belt
MW1/1	Areas of Search
OL7/2	West Pennine Moors
JP-G1	Landscape Character
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
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.

Green Belt

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.

Policy JPG9 in Places for Everyone determines the boundary of the Green Belt.

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.

The volume of the original property - 418.5 cubic metres

Volume of existing property - 975.5 cubic metres

Proposed additional volume - 246.5 cubic metres

This equates to a 25% increase on the existing building and a 191% increase on the original building a case for Very Special Circumstances is therefore required.

Impact on Green Belt

The proposal includes a wide assessment of the impact of the proposal in relation to the Green Belt and as such this needs to be duly considered.

It is agreed that the wider aims of Paragraph 145 of the NPPF are to protect and maintain the openness of the Green Belt. The applicants statement references specific case law (Euro Garages Limited & (1) The Secretary Of State For Communities And Local Government (2) Cheshire West And Chester Council (2018)) showing that openness is not linked solely to a volumetric or spatial impact but the question of openness should be assess based on the harm caused by the change. The applicant also references more recent case law (R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire

County

Council [2020]) arguing that it is for the decision maker on a case by case basis and as a matter of planning judgement, not law, to assess whether visual openness is relevant and if so to what extent. The extension would create a two storey detached dwelling rather than the existing part single part two storey detached dwelling. Whilst there is an increase in the volume of the building it will not appear as a disproportionate addition to the dwelling given what has already been built above the original property. It therefore has no significantly greater impact on the overall setting or openness of the area, as the addition will improve the appearance of the property, whilst also making it more in keeping with the other property on the same residential grounds. The characteristics of the neighboring properties are that of two storey detached dwellings with a continuous pitched roof. This means this proposed property would be more in keeping than the current building.

SPD 8 also 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. In this case given the screening and existing layout of the property this proposals would not have nay impact when views from the nearest main road (Harwood Road). Given the isolated nature of the property the only other place from which the proposal will be regularly viewed is from the other property inside the same gated residential area. We have not received any objection from that property. It can also be argued that the proposal creates a more balanced and cohesive property when viewed form the front rather than the slightly disjointed part two storey part single storey property currently in place.

The applicant currently has an application submitted for an additional storey to this property under prior approval. This proposal would add another storey over the previous extension creating a lopsided dwelling of part three storey part single storey. The proposal to turn the dwelling into a two storey property would be more in keeping and have less impact on the openness of the Greenbelt.

The applicant has also stated that they could build various outbuildings including a snooker hall at the property which would have more of an impact on openness than the current proposal.

The applicant has provided medical details of their father who sporadically resides at the property at the ground floor, this extension would allow for enough space especially once the father needs to live with the applicant permanently. An alternative to provide the required extra living space would be to build a granny annexe at the property under permitted development which again would have more of an impact on the openness of the Greenbelt than the proposed extension.

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 large residential property in the grounds of White Paddocks farm an established residential area. The other property in the grounds is a large two storey dwelling with a continuous pitched roof, which the proposed property would now be in keeping with. 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.

Design proposals should respect desirable precedents in the surrounding area and where possible roof pitches should be matched to those of existing buildings and materials should be sympathetic with the location and should consider the local vernacular.

The addition of the proposed extension improves the overall appearance of the dwelling by creating a balanced two storey dwelling rather than the current part two storey part single storey dwelling. The proposed two storey dwelling would be in keeping with the appearance of the other nearby dwelling. The proposal includes a glazed section at first floor to break up the massing of the building when viewed from the front and rear whilst joining the two sides of the building. The eaves are being increased to match the existing extension and would not extend higher than that.

Residential Amenity

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

The nearest property is 16 metres away at the front. This distance is significant enough that there would be no impact on the residential amenity of the property. We have not received any comments on the application from this property.

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 pre-application discussions 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 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.
- 3 This decision relates to drawings numbered 002, 005. The development shall not be carried out except in accordance with the details 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.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS - 31/05/2024			