

DELEGATED REPORT

Report by Helen Pressley	Date of report: 07/02/2024	Ref: 70385/FUL
Registration: 03/01/2024	LDfC: 01/02/2024	Expiry Date: 28/02/2024
Site Visit: 25/01/2024	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: Conversion of swimming pool building at rear to family annexe

Location: 53 Cockey Moor Road, Ainsworth, Bolton, BL2 5RE

Description

The application relates to a dormer bungalow located on Cockey Moor Road. There is parking to the front of the property, and a garden to the rear. To the rear of the dwelling there is an existing outbuilding that is currently in use as a swimming pool. There are residential properties (bungalows) located to the east and west of the site. There are open fields to the south and open fields to the north beyond Cockey Moor Road. The site is located within the Green Belt.

Planning permission is sought for external alterations to convert the outbuilding from a swimming pool to a supplementary family annexe. The proposed external alterations would involve the replacement of a door and window in the northern elevation with a single window and the provision of three windows in the eastern elevation.

The application is a resubmission of 64144 that has lapsed.

Relevant Planning History

38448 - First floor extension to provide living accommodation at 53 Cockey Moor Road, Ainsworth. Approved with conditions - 12 December 2001.

39936 - Front porch, conservatory at rear at 53 Cockey Moor Road, Ainsworth. Approved with conditions - 29 November 2002.

45296 - Bay window extension at side - Approve with Conditions 01/11/2005

58586 - Certificate of lawfulness for proposed alterations to detached swimming pool building to convert to supplementary family annexe - Withdrawn by Applicant 28/04/2015

58665 - Conversion of swimming pool building at rear to family annexe - Approve with Conditions 22/06/2015

64144 - Conversion of swimming pool building at rear to family annexe - Approve with Conditions 13/06/2019

Publicity

Neighbour letters sent

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

OL1	Green Belt
EN9/1	Special Landscape Areas
OL1/4	Conversion and Re-use of Buildings in the Green Belt
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD 9	Conversion and Re-use of Buildings in the Green Belt

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

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 155 states that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Policy OL1/4 states that the conversion and re-use of buildings within the Green Belt will be permitted providing that the proposal would not have a materially greater impact than the present use upon the openness of the Green Belt; the buildings are capable of conversion without major or complete reconstruction; the form, bulk and general design are in keeping with the surroundings and suitable access and the likely traffic can be accommodated without creating a hazard or the need for major road improvements.

The proposed development would involve the conversion of an existing outbuilding to a supplementary family annexe. The building is capable of conversion and no extensions to the building are proposed. The proposed development would retain the existing openings to the south and the west and would create 3 new openings on the eastern elevation. An existing door and window on the north elevation would be removed and replaced with a single opening. It is considered that these amendments would not adversely affect the character of the building. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy OL1/4 of the Bury Unitary Development Plan and the NPPF.

Principle (Family Annexe)

Supplementary Planning Document 6 sets out guidelines in relation to supplementary family annexes. This guidance states that annexes:

- should normally be physically connected to the main property with a direct interior link;
- should remain ancillary to the original dwelling at all times;
- should not have separate vehicular access; and
- should only have one bedroom.

Whilst the proposal would not be physically linked to the existing dwelling, it would allow an existing building to be re-purposed preventing potential further impact on the Green Belt through extensions to the host dwelling. The existing building is already ancillary to the main dwelling, and this would remain the case and can be secured via condition. No new vehicular access proposed, and the proposal would only have one bedroom. As such the proposal would be considered to be acceptable in principle and would comply with the intentions of the guidance set out within SPD6.

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 development would involve the replacement of the existing door and window with one larger window on the northern elevation and the inclusion of three small windows in the eastern elevation. The proposed external alterations would not affect the design and character of the building. The building is located in the rear garden and would not be a prominent feature within the streetscene.

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

Impact upon residential amenity

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

- Principle habitable room windows would overlook the existing rear garden and would be screened by the existing side boundary treatments and detached outbuilding within the rear garden.
- The proposed side windows facing towards the side boundary would relate to non-habitable rooms (bathrooms and kitchen) and face towards the garage of No. 51
- No increase in footprint or height of the existing building

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 53CMR/30C 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 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 The development hereby approved shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as 53 Cockey Moor Road.

Reason. To ensure the proposed use remains ancillary to the principle use on the site pursuant to Policy H2/3 - Extensions and alterations of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP - 07/02/2024			