

DELEGATED REPORT

Report by Tom Beirne	Date of report: 01/03/2022	Ref: 67527/FUL
Registration: 18/11/2021	LDFC: 16/12/2021	Expiry Date: 13/01/2022
Site Visit: 26/01/2022	Site Notice: 17/12/2021	Press Date: 02/12/2021
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from agricultural land to residential garden; Single storey rear extension; Loft conversion with balcony at rear; 2no. juliet balconies at rear

Location: 32 Manchester Road, Ramsbottom, Bury, BL0 0DH

Description

The application relates to an end terraced dwelling located on Manchester Road. The premises are split level, two storey to the front and three storey at the rear. The property has an existing terrace at ground floor level, which is open below at basement/garden level. The premises has a garden areas to the rear with parking to the side.

Planning permission is sought for:

- Removal of the existing terrace and construction of a single storey rear extension comprising a sun room and store with balcony over part of roof.
- 2 no. juliet balconies at rear first floor level;
- Loft conversion with balcony to rear;
- Change of use of an area of agricultural land, to residential garden to facilitate the proposed development.

Relevant Planning History

64100 - Single storey extension at rear with roof terrace/glazed balustrade above and alterations to doors/windows at rear including 2 no. juliet balconies; Roof extension at rear with re-roof, rooflights and loft conversion with rear balcony - Approve with Conditions 25/06/2019

66873 - Single storey rear extension with roof terrace; Alterations to rear elevation including 2 no. juliet balconies; Roof extension to accommodate loft conversion with rear facing balcony - Withdrawn by Applicant 02/09/2021

21/0269 - Change of use of land (Enclosing land) - application received.

Publicity

Immediate neighbours notified by letter dated 30/11/2021. Press advert 02/12/2021 and site notice posted 17/12/2021 - No objections received.

Statutory/Non-Statutory Consultations

Public Rights of Way Officer - No comment.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations

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 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 (Change of Use)

Part of the land that is subject to change of use is identified as open land outside of the urban area, protected under UDP Policy OL2/1 Development on Other Protected Open Land. On all defined open land outside the urban area, but not within the Green Belt and/or river valleys, development will not be permitted for purposes other than:

- a) agriculture or forestry, or other uses appropriate to a rural area;
- b) outdoor recreational facilities, such as sports grounds, golf courses or country parks,

together with ancillary buildings required in connection with these outdoor facilities;

- c) cemeteries and institutions standing in large grounds;
- d) development which is essential for the protection of an established source of employment or required in connection with a bona fide rural enterprise;
- e) essential public utilities infrastructure;
- f) mineral workings, provided that high environmental standards are maintained and that the site is well restored.

As a very narrow section on the western edge of the site is defined as protected open space, very special circumstances would be required to allow development outside those categories outlined above. It is important to note that the protected land in question is being developed. Planning approval for housing was granted in November 2016. As such, the section of land in question can no longer be considered to be protected open space. Given this is the case and site's small size, now surrounded by development, the change of use of the land is considered to be acceptable and complies with the NPPF and UDP Policies.

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 existing render would be renewed to match the house and this would be acceptable. The basement level single storey extension to the rear would be timber clad but as part of the property at basement level is already timber clad, the proposed timber finish would not be out of keeping with existing dwelling or appear incongruous with the streetscape.

The only change to the front elevation would be the addition of the new rooflights. This would not have any seriously detrimental effect on the existing street scene and they could be installed without Planning Permission.

The new pitched roof would eliminate the existing twin pitched roof to the side/rear. It would improve the appearance of the property when viewed from the south side.

At the rear the new terrace, with sun room below, as well as the proposed new windows, glazed balustrades and roof balcony would be a more modern addition to the existing property which would improve the overall appearance of the building. This would not be visible from the main road in front of the property. There are other properties in the nearby vicinity which would be considered more modern than the traditional terraced homes. The proposed development would not have any seriously detrimental effect on the existing street scene. The design of the proposal is considered to be in keeping with the existing building.

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.

Residential Amenity

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

- The extension beneath the terrace, comprising a sun room and store wouldn't be classed as a habitable room. The distance of 4.8m from the rear elevation to the rear boundary would be acceptable in terms of SPD 6. It is noted that an extension with a similar distance was approved in 2019 under reference 64100.
- Currently 35 dwellings are being constructed on land to the rear (ref 63617) of the site and includes a dwelling that would have a rear garden adjoining the rear boundary of the site. Given the level differences between the site and the land to the rear, there would be views between the sites, however given distances from the terrace, which has been reduced in area, to the boundary, overlooking would not be so serious to warrant

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refusal.

- No.38 to the south of site would be over 20m from the application dwelling. This separation distance would be acceptable in terms of SPD 6 and therefore there would not be any seriously detrimental effect on residential amenity at this property.
- As the proposed works would be to the rear of the property only there would not be any detrimental impact on the existing parking arrangements on the site.
- The new first floor windows on the rear would be in the same the position as the existing windows and as such would not have an more of an impact on privacy levels to and at the rear than the existing windows do already.
- The proposed balcony to the converted loft room would be set in the roof space and the balustrade of the balcony would be flush to the existing rear elevation and as such, there would not be any seriously detrimental effect on residential amenity to new properties at the rear.

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 and Access - The access and parking is similar to the existing arrangement and as such is considered to be acceptable and complies with UDP Policy H2/3 Extensions and Alterations.

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 the application process 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 This decision relates to drawings numbered ZT19-196-01, 02,03,04, 05(Revised), 06(revised) and 07 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	01/03/2022		

