

DELEGATED REPORT

Report by Tom Beirne	Date of report: 08/12/2021	Ref: 67419/FUL
Registration: 05/11/2021	LDFC: 26/11/2021	Expiry Date: 31/12/2021
Site Visit: 01/12/2021	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Replace conservatory with a two storey extension on gable elevation

Location: Loebank Farm, Bolton Road, Tottington, Bury, BL8 4JA

Description

The application relates to a detached stone built property which is rendered to the front and rear and situated just off Bolton Road, Hawkshaw in a small cluster of just three properties, set back from the road. There is a small porch on the front and an existing conservatory on the side. The two adjacent properties are similar in style to the property on site. All three properties are locally listed. The site is in the Green Belt and West Pennine Moors and is a Special Landscape Area, surrounded by open fields.

The proposal is to replace the existing conservatory on the side with a two storey extension. It would project 3.6m to the side and would be 5.2m deep. It would be rendered to match the existing property and would have windows to the front, rear and side with patio doors to the rear, opening up on the applicant's rear garden. The structure would have a pitched roof set down from the main ridge with rooflights on the front and rear roof plane.

Relevant Planning History

59850 - Single storey extension at side; Replacement detached garage - Approved with Conditions 21/04/2016

Publicity

Immediate neighbours notified by letter dated 05/11/2021. No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection.

Public Rights of Way Officer - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

OL1/2	New Buildings in the Green Belt
EN1/1	Visual Amenity
H2/3	Extensions and Alterations
EN9/1	Special Landscape Areas
OL5/2	Development in River Valleys
OL7/2	West Pennine Moors
EN2/3	Listed Buildings

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.

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

Green Belt/ West Pennine Moors -

The property is situated within the Green Belt and West Pennine Moors. The extension would have a volume less than a third of the main house and would be built on a similar footprint to the existing conservatory which would be demolished. The proposed materials would match those on the main dwelling. The extension as such is acceptable in terms of Green Belt and the West Pennine Moors policy.

Heritage - A heritage statement was submitted with the application. The extension is modest in scale and in keeping with the house. The conservation officer does not object to the proposal which complies with policy and guidance.

Visual Amenity -

The extension would be in-keeping with the existing property and appear subservient. It would not be particularly visible from the public realm. In terms of visual amenity, the proposal conforms to Bury UDP Policies EN9/1 Special Landscape Areas and 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 - Given the size and siting in relation to neighbours, there are no residential amenity issues arising. Conforms with UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – 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 drawings numbered 2021/931-01, 02, 03, 04 and 05 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	08/12/2021	DM	15/12/2021