

Description

The application relates to a two-storey semi-detached property on Wood Road Lane located within a Green Belt in Summerseat. The street is composed of similar styled houses, several of which have a rear outbuilding, mostly sheds. The premises has a drive and attached garage to the front along with a large slopping garden to the rear. The attached property is No.53 Wood Road Lane and No. 47 Wood Road Lane is adjacent on the opposite side. To the rear, there are no properties beyond the site.

Planning permission is sought for a single storey outbuilding in rear garden. The development would have a flat roof with slight sloping and would measure 6.22m by 4.35m and would be approximately 2.58m high.

This would result in a floor area of 27m² and a volume of approximately 67.8m³. The outbuilding would be constructed with Timber cladding with stain finish, dark grey clouded UPVS window frames and dark grey glass fibre roof finish. The proposed outbuilding would accommodate a games room.

Relevant Planning History

69204 - Lawful development certificate for existing garden room - Withdrawn by Applicant 04/04/2023
22/0279 - Commencement of site works, relating to planning application 68477. - 18/08/2022
22/0280 - Erection of outbuilding in rear garden - 16/08/2022
22/0299 - Erection of 2 no. outbuildings in the rear garden - 12/09/2022

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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.

Green Belt

The NPPF and UDP Policy OL1/2 New Buildings in the Green Belt are most relevant and policy OL1 allows for numerous exceptions, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. In general terms, the Council may allow an extension to be up to a third of the volume of the original dwelling, notwithstanding other material planning considerations such as design and visual appearance.

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 SPD8 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 its own merits.

This proposal would increase the volume of the original property from 697.5m³ to 755.6m³ (Main dwelling 697.5m³ plus Proposed Garden room 58.1m³). The total footprint would increase by 8.3% which is well below the 33% allowance.

Impact on Green Belt - In addition to the Green Belt Policies set out above SPD6 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 wider aims of Paragraph 145 of the NPPF are to protect and maintain the openness of the Green Belt. The site is within the well-established road that is developed as either

residential properties or having agricultural use. The proposed outbuilding would be modest and setback from the shared boundaries. Furthermore, the development would be largely screened by the existing trees and scrubs.

Therefore, given the circumstances, the proposed development would not have any adverse impact upon the openness of the Green Belt, or on the visual amenity of the Special Landscape Area or the street scene and as such the proposed development would comply with the above UDP policies and the NPPF.

Visual amenity

UDP Policy H2/3 and SPD 6 Alterations and Extensions to Residential Properties 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 outbuilding would be situated at the rear and would be set back from the main dwelling by a suitable distance and as such would not be readily visible from the public arena. The development would be a simple and unobtrusive design and would not detract from the character of the dwelling.

At approximately 2.58m high, 4.35m wide and 6.22m long the structure would not be extensive for a domestic outbuilding, particularly given the size of the plot. Additionally, the development would be setback from the shared boundaries and the existing scrubs and trees would further shade the outbuilding from the neighbouring properties. In terms of materials the proposal presents a small-scale modern design. The proposed timber cladding walls with stain finish are considered appropriate materials for a domestic setting.

It is therefore considered that the proposal therefore complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity

In terms of overlooking and privacy the single storey structure will be positioned such that it would mainly face to the rear and there would be no property directly to the rear. The outbuilding would also have a door and one window facing the adjacent property (No. 47). However, it would be shaded by the existing scrubs and there would be sufficient distance to the shared side boundary with this property. Therefore, the proposed development would not overlook any of the adjacent dwellings. It is therefore considered to be acceptable and complies with adopted guidance in SPD6.

The proposed outbuilding is single storey and therefore overshadowing would not be seriously excessive above and beyond the existing situation. The proposed outbuilding would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Parking

The proposal would not affect the existing parking arrangements above and beyond the recent approved planning permission as mentioned above.

Conclusion

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design.

