

DELEGATED REPORT

Report by Amanda Uhunmwagho	Date of report: 03/04/2023	Ref: 69310/FUL
Registration: 08/02/2023	LDfC: 03/03/2023	Expiry Date: 05/04/2023
Site Visit: 14/03/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side extension and external alterations including zinc cladding to first floor and roof, render to the ground floor and part of the existing front elevation

Location: 7 Crosfield Avenue, Summerseat, Ramsbottom, Bury, BL9 5NX

Description

The application dwelling a pitched roof bungalow, with two bedrooms in the roof space. There is a flat roof garage to the side. At the front there is a small garden area and drive way for up to two vehicles. The rear garden can be accessed via paths to either side of the dwelling. At the rear there is a small patio area directly to the rear of the property and then the garden slopes steeply up towards the rear of the site. There is a lot of planting throughout the rear garden.

Properties on Arlington Close to the rear have a much higher land level due to Summerseat village being located within a small valley. No.5 Crosfield Avenue is a similar style property to that on site and it has been extended to the rear. No planning history was found in respect of this property. No.9 to the opposite side, again is a similar style property which has been extended to the side/rear, with a dormer to the front.

Summerseat Village is part of the designated Green Belt.

The proposal is to build a two storey side extension along with external alterations including zinc cladding to first floor and roof, render to the ground floor and part of the existing front elevation and replacement windows and doors. The two storey extension would be built virtually over the same footprint as what is on site already, with the exception of a small area to the rear of the garage that would be expended to give more useable space within the extension.

The extension would be rendered in a grey colour to the ground floor and the upper floor and roof would be finished in a pressed zinc cladding system which would incorporate the fascias as well. There would be a large wrap-around first floor bedroom window to the front corner of the extension as well as a second smaller window to the same room. At ground floor level an existing window would be replaced with a much larger floor to ceiling style window and a new front door would be installed. The main two storey elevation to the front would also be rendered and the new windows would have black frames.

At the rear there would be new door installed to the garage and at first floor level there would be two bathroom windows. Windows and a door would be replaced with black frames. There would be two new rooflights to the north side of the existing roof.

Relevant Planning History

68887 - Two storey side extension - Withdrawn by Applicant 01/12/2022

Publicity

Neighbours notified on 10/02/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
OL1	Green Belt
OL5/2	Development in River Valleys
EN9/1	Special Landscape Areas
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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) 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 Green Belt.

Principle (Green Belt)

Paragraphs 147 and 148 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 149 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) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided 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 local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) 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 within the area of the local planning authority.

Policy OL1/2 - New Buildings in the Green Belt 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 as set out under Policy OL1/3.

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 its own merits.

The applicant has supplied the following volume calculations;

Existing property - 252.8m³.

Proposed volume of property - 326.9m³

This would equate to an increase above the original property of approximately 29.3% which would comply with SPD 8 and as such the proposal appears to be acceptable in principle.

Visual Amenity and impact of the Green Belt -

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 whole of Summerseat village is within the designated Green Belt. There are many properties within Summerseat that have been previously extended. The proposed extension would be built within the site boundary to the side of the existing property. As the extension would be more or less built over the existing building the amenity spaces to the front and rear of the dwelling would remain as they are now.

The application dwelling is situated within a tight site amongst other residential properties and the extension would be built within the site boundaries. As such the proposed development would not have any significantly detrimental impact on the openness of the surrounding green belt and the proposed development would comply with Bury UDP policies OL1 and OL5/2 of the Bury UDP and the NPPF.

In terms of visual amenity the proposed extension would be a very large, ultra modern structure positioned on the side of a very traditional pitched roof property. Sometimes modern extensions may be acceptable on a more traditional style property, but in this instance the over large extension does not appear to respect the character of the existing building, nor other properties along Crosfield Avenue.

The front elevation with black zinc cladding to the elevations and roof of the extension would be built flush with the existing front elevation of the existing building. To the front corner of the extension would be a large modern wrap around window. This would be completely out of character with other buildings in the local vicinity, and as the site has such a shallow frontage it would result in an extremely prominent structure in streetscene which would bear no resemblance to any other property within the streetscene.

In addition to the above the existing property on site is already situated tightly in between the two adjacent buildings at numbers 5 and 9 Crosfield Avenue. The proposed structure would only make an already cramped site appear even more so, which would have a seriously detrimental impact on the character of the existing streetscene.

At the rear the extension would also be considered not in keeping with the original dwelling but some leniency could be allowed to the rear elevation given it would not be visible in the public realm. However, overall the design of the proposal is not considered to be in keeping with the existing building, and would be considered significantly detrimental in terms of visual amenity.

Given the above the proposal does not conform 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 -

- Properties to the front and rear would be a sufficient distance from the extended property not to have any significantly detrimental effect on residential amenity.
- New windows to the first floor of the rear elevation would be to a bathroom. As such the distance to the shared boundary with no.5 next door would be acceptable in terms of SPD 6.
- The existing garage window on the north side elevation would be replaced with two high level windows. As the windows would be high level and to a garage they would be not

- cause any significant detrimental harm to residential amenity at no.5 next door.
- On the southern elevation the existing wc and landing windows would remain and an existing door would be blocked. There would be two new rooflights installed to this side of the roof. No.9 has a two storey gable wall directly adjacent to the shared boundary with no upper floor windows and a garage window at ground floor level. With this in mind there would be no significant effect on residential amenity at this property.
- At the rear the land slopes up steeply from the rear of the dwelling and the distance to the rear boundary would be acceptable as per SPD 6. There would be no significant detrimental impact on residential amenity to properties at the rear.
- There was no Planning history found in respect of no.5 Crosfield Avenue, to the north of site but this property does appear to have a two storey extension built directly next to the shared boundary with site, with several windows overlooking the rear garden of site. At ground floor there are two obscurely glazed windows as well as a porch and to the upper floor there are two windows, one is obscurely glazed (possibly a bathroom) and the other appears to be to a bedroom. It is not clear if this is the sole window to that room or not. However, the extension to the side would not be built directly in front of the upper windows. As such the extension to the side would not have any significant detrimental impact on residential amenity at no.5.
- To the rear the first floor would be built up from the existing roof which would result in the rear section of the extension being in close proximity to the two upper floor windows on the side elevation of no.5. The only window facing no.5 would be a bathroom and therefore would be obscurely glazed.
- The proposed site plan also shows that the extension would not be built directly adjacent to the upper floor bedroom window.

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. However, as the proposal does not comply in terms of visual amenity the development would be refused.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the driveway to the front and garage.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The design of the proposed extension is neither appropriate to, nor sympathetic with the existing structure, and would be significantly detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated 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>
AU - 03/04/2023		DM	03/04/2023