

DELEGATED REPORT

Report by Jane Langan	Date of report: 18/04/2023	Ref: 69126/FUL
Registration: 03/03/2023	LDfC: 17/04/2023	Expiry Date: 28/04/2023
Site Visit: 22/03/2023	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: Erection of detached garden room and detached garage

Location: Claremont, Hollymount Lane, Tottington, Bury, BL8 4HP

Description

The property is a large stone detached house that sits within its own extensive grounds and has a lengthy drive off Hollymount Lane leading up to the house. Along the boundary with Hollymount Lane, which is public footpath 26TOT, is a stone retaining wall and the site garden is at a higher level. It is tree lined, and there are numerous trees within the site, all of which are covered by Area TPO 103. To the front of the house is a large area surfaced for parking. To the west side the property has been extended with a modern flat roofed glazed single storey extension and there is also a stone outbuilding that has been linked to the house. The site and surrounding area is within the Green Belt.

The application includes a detached garage to the east side of the property. It would have a footprint of 7m by 6.2m and be flat roofed to a height of 2.8m. The roof would have an anthracite pressed metal fascia and the walls in slatted timber cladding.

To the west side of the property, on an existing patio, is proposed a garden room. It would have a footprint of 6m by 4m with a canopy to the south and east side elevations overhanging by a further 0.6m. It would be flat roofed to a height of 3m with anthracite pressed metal fascia, two roof lights and a wood burner chimney. There would be aluminium bi fold doors to the south and east side elevations and the walls finished in slatted timber cladding.

Relevant Planning History

60718 - Single storey extension at side and single storey link extension to existing outbuildings/annexe at rear with new parking area and detached garage - AC 12/12/2016
62986 - Erection of detached single storey garage - AC 17/09/2018.

Publicity

Surrounding neighbours were notified by letter on 03/03/23. A further letter was sent 04/04 with regard to revised plans to show the existing patio levels and the inclusion of a hedge screening the proposed garage. No responses have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection. Informatives to include regarding the public footpath.

Pre-start Conditions - The agent has agreed with the pre-start conditions.

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
EN8/2	Woodland and Tree Planting
OL1	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. 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.

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. In addition to this SPD6 states that extensions of existing dwellings in the Green Belt should not result in disproportionate additions over and above the size of the original dwelling. In general an extension up to a third of the volume of the original dwelling may be acceptable however, each proposal will be considered on its own merits.

Green Belt - The property is a large detached house and the statement of volume provided with the application notes the volume increase, including the previous extensions, to be under a third at 19.5%. The two previous approvals for a detached garage in 2016 and 2018 have not been built.

The garage proposed would be to a height of 2.8m, the same as previously approved in 2018 under ref 62986. Given its proposed location to the east side of the property, which is visible from Hollymount Lane, a section and site plan were provided with application 62986 to show the visibility from the lane and included a planting scheme to provide screening. This has also been submitted for this proposal and the planting condition as attached to 62986 is considered necessary to this proposal. With screening to the building, and its location within the residential garden, the proposal would not impact on the character and openness of the Green Belt.

Visual amenity and design - The proposed garage would be to the east side and visible from Holly Mount Lane. The materials of slatted timber for the walls would see a building of a more modern appearance to the main house. This was the case for the previously approved garage (62986) which was of the same height, but with a larger footprint including a car port, and the walls finished in render. With the screening from planting to obscure it from views from the highway at the side the proposed garage would not appear intrusive or out of place in the street scene.

The proposed garden room would be in the same materials as the garage with slatted timber to the walls and anthracite pressed metal fascia. The doors would be aluminium bi fold. This building would be located to the west side of the property, where the house has been extended with a modern flat roofed glazed extension, and the proposal would not be readily visible from Holly Mount Lane.

The proposed buildings are considered acceptable and would not have a detrimental impact on the visual amenity of the area.

Protected trees - The proposal would not require the removal of any trees. A detailed tree survey has been provided which concludes a method statement should be provided for tree protection measures. This is added as a pre commencement condition. The survey also notes that 3 trees within the site should be removed due to poor condition and health concerns. The applicant was advised on site that a separate tree works application can be submitted for their removal.

Highways and Parking - There is a large area of off street parking within the site. Highways have no objection to the proposal.

Residential amenity - The proposed garage would not be located in close proximity to any neighbouring properties.

The proposed garden room would be located on the existing patio to the west side of the house. It would run along the boundary with the garden to the neighbouring property Beechcroft. The building would be 6m in length and 3m in height located on the existing patio which is raised by approximately 0.4m. Its rear elevation would be along the shared boundary and be blank wall. Beechcroft is set back from the site property and would be approximately 18m away from the proposed garden room. This neighbouring property has a large garden, is slightly higher, and the section along where the proposed garden room would be located is screened by hedges from the site patio and there are a number of trees in close proximity. As such it is not considered there would be any unacceptable impact on this neighbouring property in terms of overshadowing or loss of privacy.

The proposal complies with UDP Policy H2/3 and SPD6 - 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 794.03 - P01, 794.03 - P10, 794.03 - P100, 794.03 - P02 Revision A, 794.03 - P03 Revision A, 794.03 - P08 Revision A, 794.03 - P09 Revision A, 794.03 - P11 Revision A 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 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Bury UDP Policies EN1/2 - Townscape and Built Design, H2/3 - Extensions and Alterations, EN8/2 - Woodland and the guidance in Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 4 No development shall commence until an arboricultural method statement has been carried out, by a suitably qualified person, as recommended in the Tree Survey and Impact Assessment dated 01/03/23 carried out by Forest & Tree Consulting. Development shall not commence until the method statement has been submitted to and approved in writing by the Local Planning Authority.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	18/04/23	DM	21/04/23