

DELEGATED REPORT

Report by Amanda Uhunmwagho	Date of report: 17/04/2023	Ref: 69201/FUL
Registration: 23/02/2023	LDfC: 16/03/2023	Expiry Date: 20/04/2023
Site Visit: 13/03/2023	Site Notice: N/A	Press Date: 23/03/2023
Objections: 0	Con Area:	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor extension at side

Location: 43 Broomfield Close, Ainsworth, Bolton, BL2 5QY

Description

The application relates to a semi-detached property with flat roof dormers to the front and rear. The property is set well back from the highway in front as it is on a bend in the road. There is a long garden to the front with driveway for at least two vehicles and there is a short fence along the east side boundary. In between the site and no.41 Broomfield Close to the east there is a public footpath leading to open fields at the rear.

There is an existing flat roof, single storey side/rear extension which is built along the site boundary to the east side. There is a shed to the rear garden. The proposed extension would be built directly above the existing single storey side extension and it would have a pitched roof.

Relevant Planning History

N/A

Publicity

Neighbours notified on 23/02/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

Public Rights of Way officer - No comments received.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

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

The main considerations of this application are the impact of the proposal on visual and residential amenity, as well as the impact on the designated 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.

The whole of Ainsworth Village is situated within the designated Green Belt. There are many different property size and styles throughout the village. The planning statement included with the application states that the extension would be within the 33% limit as set out in SPD 8. In addition the proposed extension would be similar in appearance and size to other extensions to properties along Broomfield Close. The plans show it would be constructed wholly within the residential curtilage of the site. As such it is considered that the proposal would not conflict with the surrounding land uses nor would it create harm to the openness of the Green Belt. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt and it is considered that the proposal complies with UDP Policies OL1/2, SPD8 and the NPPF.

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 proposed extension would be built with materials and a design that would be considered to be in keeping with the existing building and neighbouring properties along Broomfield Close, including no.41 next door which has a similar style extension.

Given how far the property is set back from no.41 to the east and there is a footpath between the two properties there would be no concerns regards terracing. The design of the proposal is considered acceptable in this location.

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 -

- There are no properties to the rear of the site.
- Properties to the front are a sufficient distance from the site not to have any significant detrimental effect on residential amenity.
- As the extension would be built on the east side of the property there would be no detrimental impact on residential amenity at no.45, attached to the west side of the

dwelling.

- No.41 to the east is set considerably forward of the application property. The closest window to the rear of no.41 is a kitchen and there is a conservatory on the rear along with a small shed next to the fence. There is also a footpath separating the two properties. With this in mind there would not be any significant impact on residential amenity at no.41.
- In terms of light the site is due west of no.41 the existing building may have some detrimental impact on light to the rear of no.41 towards the end of the day. The introduction of the first floor side extension would not have much more of an impact than the existing building on site does already and as such would not warrant refusal.
- The front and rear elevations of the extension would be just over 11m from the front and rear boundaries. This distance would be acceptable in terms of SPD 6.
- As the extension would be to the first floor only there would be no impact on existing parking arrangements within the site.

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 -

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 front of the site.

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 001 and 002 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 UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 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 H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and 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 -	17/04/2023	DM	18/04/23