

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 24/01/2022

Ref:67742/FUL

Registration: 02/11/2021

LDFC: 03/12/2021

Expiry Date: 28/12/2021

Site Visit: 19/11/2021

Site Notice: N/A

Press Date: 18/11/2021

Objections: 0

Con Area: N/A

Adv Type: ARW

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: First floor extension at front with alterations to existing front porch and two storey extension at rear with juliette balcony; Construction of new steps and raised landing to front garden

Location: 322 Turton Road, Tottington, Bury, BL8 3QG

Description

The application relates to an unusual two-storey stone mid terrace house in a row of three similar stone built properties. This hamlet is within the Green Belt entirely surrounded by open countryside and adjacent to a public right of way (17TOT). The existing (vacant) property has a small porch at the front and rear, both single-story. The eastside neighbour (Nr.320) has a single storey conservatory extension on the other side plus two-story porch extension at the from, and the westside neighbour (Nr.324) on the other side has a front porch extension plus rear single storey extension so this property is therefore the smallest of the three. There is a separation of 25m to the rear boundary which has are shrubs to the rear although nothing substantial except a large evergreen hedge alongside the public right of way and very large tree at the front. Existing vehicular access arrangements are via access over the land at Nr.320.

Planning permission is sought for:

- a two-storey rear extension at rear (with juliette balcony) that would project out 3.9m and have a gable roof carried over from the existing roof.
- a first-floor extension above the existing front porch with gable roof.
- construction of new steps and raised landing to front garden.

Materials would match existing with the exception of rear doors having aluminum frames, and upvc doors at the front. There would be some reconfiguration of the internal layout, two parking spaces at the rear, and a separation of 22.8m to the rear boundary.

Relevant Planning History

None

Publicity

Immediate neighbours notified by letter dated 11/11/2021 sent to 6 (six) neighbours. One representation (comments) was received.

Comments -

My comments are not presented as objections to the application but as observations to be considered with the planning bid.

- The site and block plan shows a gate between Nos 322 and 324 referred to as

"existing pedestrian access" and "right of way via No 324" I object to these incorrect words. The gate was installed by me as a courtesy gate to cater for the then owner of 322, a lady in her 90's. There is no right of access, pedestrian or vehicular afforded by this gate, a matter verified with Land Registry in an earlier planning application which the Council considered.

- The existing rights of pedestrian access from 322 are via the frontage and steps of 320, and also through a pathway and steps running from 322 along the roadside wall to the front garden of 324.
- I have no objection to the development of steps direct from 322 to the kerbside but would caution against the siting of refuse bins alongside the frontage (except on days of collection).

Note to respondent: The issue of access rights is not a planning consideration and would need to be agreed directly between the applicant and other party.

Relevant concerns of the neighbours have been addressed in this report.

Statutory/Non-Statutory Consultations

Greater Manchester Ecology Unit - The developer's bat consultant identified no significant ecological issues. Issues relating to bats, nesting birds and biodiversity enhancement measures can be resolved via condition and or informative. A condition is recommended requiring one bat box, or bat brick as part of mitigation enhancement measures.

Informatives are recommended in relation to bat habitats and nesting birds.

Public Rights of Way Officer - No response.

Pre-start Conditions

Yes - 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 plus bat and bird boxes.

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL1/4	Conversion and Re-use of Buildings in the Green Belt
SPD 9	Conversion and Re-use of Buildings in the Green Belt
EN9/1	Special Landscape Areas
OL5/2	Development in River Valleys
OL7/2	West Pennine Moors
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions

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 – NPPF 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.

The wider aims of Paragraph 145 of the NPPF are to protect and maintain the openness of the Green Belt. The site is located within an established residential area that is washed over by Green Belt designation. The site is located within an established hamlet of residential dwellings where all previous extensions are considered to blend in with the local context. Whilst the proposal would lead to alterations and extensions to the front and rear of the property these would be viewed within the context of development within the surrounding locality.

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 OL/3.

This is further supported by SPD8 - 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. 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. 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.

Policy OL1/3 states that in all named villages which lie within the Green Belt, limited infill development may be permitted, provided that it is in scale with the village and would not adversely affect its character or surroundings.

Information provided by the applicant shows the original dwelling measures 304.52m². The proposed new dwelling would be approximately 413.91m², which if approved would result in additional volume measuring 109.39m² representing an increase of 36% on the original building which is above the 33% suggested within SPD 8. As such, consideration needs to be given as to whether this would be inappropriate at this particular site.

Impact on Green Belt - In addition to the Green Belt Policies set out above 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 is located primarily to the rear of an existing residential mid-terrace dwelling within a row of three terraces within the Turton Road hamlet with large rear gardens. The surrounding landscape is almost entirely open countryside with the exception of woodland and farm buildings.

It is however, considered that the existing house offers minimal accommodation with small rooms generally not viable as family living accommodation, while the proposed extension would provide accommodation space more suitable for family living, and therefore bringing an otherwise vacant building back into new use. Additionally, given that this property is the smallest in a row of three (with both adjoining properties having existing extensions) some limited infill extension is considered to be acceptable and it would also not alter the existing skyline. Additionally, the proposed extension is located largely to the rear, so would not be readily visible from public view. Therefore, it would not impact on the openness of the Green Belt.

In this instance 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 given the above circumstances. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt, or result in a disproportionate addition. It is therefore considered that the proposal complies with the NPPF, UDP Policies OL1/2, and associated guidance in SPD8.

Special Landscape Area – Policy EN9/1 state that any development which is permitted should be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. It is considered that the proposed plans show an extension of traditional form, proposed to be constructed using natural stone for the external walls and natural slate for the roofing, generally sympathetic to the surroundings and adjacent properties. The proposed front and rear extensions are similar in style and form to the existing extensions to both adjoining properties and will therefore be inkeeping with the character of the existing terrace as a whole.

Development in River Valleys – Policy OL5/2 states that Within the River Valleys, new

buildings will not be permitted, exceptions considered acceptable where the area does not form part of the Green Belt includes development that represents limited infilling to an established valley settlement area. As such it is considered that this extension represents limited infilling and is therefore acceptable with regard to UDP Policy OL5/2.

Visual amenity - In terms of design and appearance the extension is generally in-keeping with the existing house. Materials would match existing. The rear section of the extension would not be readily visible from the public arena, while it is considered that the proposed front two storey extension broadly fits in with the eastside neighbours two storey front extension.

Current policy states that the council will not normally allow two-storey front extensions, however in this case given that this is a hamlet entirely surrounded by countryside, with no neighbours directly opposite, and there is an adjacent property with an existing two storey front extension built with stone, it is therefore considered that the extension is acceptable with regard to UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy, the dwelling is surrounded by open countryside and does not overlook any properties. the extension is considered to be acceptable and complies with adopted guidance in SPD6.

The extension is acceptable in relation to both attached neighbours as it complies with the '45-degree rule' within SPD6, and this has been considered against the westside neighbours nearest first-floor bedroom window. The kitchen window and bathroom on the eastside neighbours rear elevation are non-habitable room windows and therefore cannot be afforded significant weight in any assessment.

In terms of the general prominence and impact on daylight the extension is set off the shared side boundaries by 1.42m and 0.93m and to the south-east of part of the westside neighbours very large rear garden. The extension would have an impact on part of the rear garden at midday, however any overshadowing would not be seriously excessive above and beyond the existing situation. In this respect the extension would not have such a serious impact on the outlook from the westside neighbour to warrant refusal. The extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Ecology – Policy OL1/4 states that the conversion and re-use of buildings in the Green Belt is not inappropriate development and will be permitted providing (among other criteria) that it can be established by the applicant, to the satisfaction of the local planning authority, whether or not the building contains any protected species, such as bats or barn owls. Where it is shown such species are present, measures to prevent damage to habitats will be required. The applicant has submitted a bat survey although the consultant noted that use by individual bats on occasion cannot however be totally ruled out. No reference to birds nesting on the building has been made. As there is an element of doubt relating to the building, owing to the omission of any reference in this rural location, a condition will therefore be included.

Waste – The planning statement mentions the existing septic tank will be replaced with a packaged sewerage treatment plant. However, no details of this have been provided and therefore a condition will be applied to require details of its size and sitting to be agreed by the LPA prior to occupation.

Highways - The proposal would not affect the existing parking arrangements. However, it would involve access (as existing) over the rear garden of Nr.320. It is understood that there is an existing access arrangement which is not part of this planning permission.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, of this development.

Within the context of the Green Belt and River Valley this proposal represents a limited extension within an existing hamlet. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy OL1 plus associated guidance in SPD9, and H2/3 plus associated guidance in SPD6.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 the drawings numbered 214 01 10 Rev B, 214 01 12 Rev A, 214 01 13 Rev 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 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.
- 4 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(s) 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 Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 5 Before the first occupation of the extension the details of the proposed packaged sewerage treatment plant should be provided to the satisfaction of the Local Planning Authority.
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.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Steven Gunn-Russell	24/01/2022		