

DELEGATED REPORT

Report by Tom Beirne	Date of report: 27/06/2024	Ref: 70757/FUL
Registration: 31/05/2024	LDfC: 26/06/2024	Expiry Date: 26/07/2024
Site Visit: 11/06/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Erection of Garden/Annexe building to the side

Location: 21 Bolton Road, Tottington, Bury, BL8 4HZ

Description

The proposal is for a single storey, detached domestic annex to an existing large detached dwelling, situated on Bolton Road, Tottington. The property sits within a ribbon of residential dwellings on the west side of Ramsbottom and is within the green belt.

The proposed outbuilding would provide a home office space and a small Gym area for the occupiers. It would be sited to the west of the existing house, in line with the front elevation. Finished in a zinc cladding in a dull green shade. The new structure would be situated in an area of mature landscaping within the side garden, including a beech hedgerow which will be largely retained to act as a visual screen.

A tree survey was submitted with application, mostly to address issues relating to a second planning application to change the access from Bolton Road. A small pine tree would need to be removed to accommodate the new building.

Relevant Planning History

58207 - Single storey extension at rear with garage conversion and replacement windows and doors - Approved 09/01/2015

70584 - Widening of existing driveway and formation of 5 no. car parking spaces; erection of 2 no. sliding access gates and 1.3 metres high fencing - undecided.

Publicity

Immediate neighbours notified by letter dated 05/06/2024. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PFE Policies 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 - Any proposed domestic extensions/alterations would be assessed in the light of the National Planning Policy Framework where the impact upon openness must be considered. Paragraph 145 (c) confirms that extensions and alterations to dwellings can be appropriate provided that they do not result in disproportionate additions over and above the size of the original building.

A green belt statement has been submitted and sets out the volume calculations. The original property had a total volume of 1380.7m³. A 33% increase in volume would be 455m³. The house was extended in 2014 with an extension of 136.2m³ excluding the demolition of an existing conservatory of 63m³, resulting in a total increase of 73.2m³.

The proposed garden room annex would have a total volume of 95.6m³. The overall increase in volume from the original property is therefore 168.8m³, approximately a third of the volume allowable under current policy and guidance.

Situated next to the main house and mature boundary planting and set down with a relatively modest profile, the proposed annex would not be prominent or have a significant impact on either the openness or the character of the surrounding green belt. As such the proposal, in terms of its impact on green belt is acceptable and complies with the NPPF, PpE and UDP Green Belt Policies and guidance listed.

Visual amenity - The new outbuilding would have a fairly low profile and be set within the existing landscaped area of the garden and well back from the road. As such it would not be readily viewed, or appear incongruous, within the streetscape. Level with the front elevation of the house and at a low level, it would appear as a normal domestic outbuilding.

The proposal, in terms of visual amenity and streetscape, is acceptable and complies with UDP Policies H2/3 and OL1/2 and guidance within SPD6 and 8 relating to domestic extensions with the green belt.

Trees and Ecology - A tree report has been submitted with the application, assessing the impact of the proposal on trees and shrubs. The report, for the most part deals with trees on the frontage and relates to proposed alterations to the existing access from Bolton Road, under planning reference 70584. The only tree impacted by the proposed outbuilding is a Pine (T6) in front of the proposed building. The tree in question is not great quality (category C) and is proposed for removal due to its proximity to the building.

Some of the existing shrubs within the landscaped area next to the boundary beech hedge would have to be removed although the hedge itself would be largely retained to act as a visual screen and for ecological reasons. A condition would be attached to ensure this hedge is retained. The proposal is considered acceptable and complies with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations in respect to landscaping.

Residential amenity - The outbuilding would be screened from the neighbour at No.23 Bolton Road behind the existing mature boundary hedge and as such residential of the neighbour is protected. It is noted that there are no objections from neighbours.

Parking and Access - The existing access and parking would not be impacted by this proposal and as such complies with UDP Policy H2/3 and guidance in SPD6 in respect to parking and access.

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 23.639.01, 05A, 06A, 07 and 08 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 existing beech hedge along the western boundary shall remain in situ. Should any part be damaged or removed within three years, the hedge shall be replanted with a similar species to the satisfaction of the Local Planning Authority.
Reason. In the interests of visual amenity and neighbour amenity pursuant to UDP Policy H2/3 and guidance within SPD6 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	27/06/2024	DM -	04/07/2024