

DELEGATED REPORT

Report by Amanda

Date of report: 13/03/2024

Ref:70445/FUL

Uhunmwagho

Registration: 01/02/2024

LDfC: 06/03/2024

Expiry Date: 28/03/2024

Site Visit: 28/02/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area:

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side extension with dormer to the front; Side dormer extension with lead finish; velux rooflights to existing front extension; external alterations and partial render to front, side and rear elevations

Location: 7 Crosfield Avenue, Summerseat, 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 first floor/two storey side extension with a pitched roof dormer to the front, Dormer extension to the side with lead finish, velux windows to the front and external alterations to windows and doors, and partial render to all elevations.

On the north side of the existing dwelling the existing garage would be extended to the rear corner and a first floor extension would be built above. The roof would be pitched and there would be a pitched roof dormer to the front. On the south side there would be a flat roof dormer. Both dormers would have a lead finish.

There would be alterations to the existing windows and doors to all elevations, including existing openings being replaced with black upvc frames. An existing door to the south side elevation would be bricked up and all elevations shall be finished in brick and render.

Relevant Planning History

69310 - 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 - 22/11/2023

68887 - Two storey side extension - Withdrawn by Applicant 01/12/2022

69310 - 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 - Refused 04/04/2023. Appeal Dismissed - design grounds

Publicity

6 neighbours notified on 14/02/2024 - No comments or objections received.

Statutory/Non-Statutory Consultations

None

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
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
PFE	Places for Everyone

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 of the proposal on the surrounding Green Belt..

Principle (Green Belt)

Paragraphs 152 and 153 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 154 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 agent has provided a Green Belt statement which advises that the proposed extensions to this property would equate to 33.5% volume of the original building. This is slightly more than the limit of 33% as set out in SPD 6, but as the majority of the development would be to extend the property upwards it would not result in over development of the site, which is located in between other residential properties and the whole development would be within the residential curtilage. As such it would not be considered to be a disproportionate addition to the original dwelling and would therefore not have a detrimental impact on the openness of the Green Belt complying with the policy considerations set out above.

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

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.

Although the proposed lead finish to the front and side dormers would be a modern addition to the building and would be considered very different from the existing finished materials the overall design and render/brick walls to the existing dwelling and the extension would ensure that the property remains in keeping with other properties along Crosfield Avenue. As such it would not cause any significant detrimental harm to the character of the existing streetscene.

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 -

- 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.
- There would be 2 new bathroom windows to the first floor of the rear elevation and the existing bedroom window would be removed and replaced with a smaller one. The closest windows to the boundary with no.5 next door would be bathroom windows. As such the distance to this shared boundary would be acceptable in terms of SPD 6.
- The existing garage window on the north side elevation would be replaced with a new garage window in a similar position. As the window would still serve a garage it would not cause any significant detrimental harm to residential amenity at no.5 next door.
- The new external door on the north side would provide access into the garage. As such it would not have any significant detrimental effect on residential amenity next door.
- On the southern elevation the existing ground floor wc and landing windows would remain and an existing door would be blocked up.
- There would be two new bedroom windows to the side dormer and a centralised full length stairwell window. As the bedroom windows would be high level and the stairwell would not be considered to be a habitable room it is considered that these windows would not cause any significant detrimental harm in terms of residential amenity at no.9 next door. In addition the dormer would face a blank two storey side elevation at no.9 Crosfield Avenue.
- The proposed velux rooflights installed to the single storey section to the front of the house would not have any significant detrimental effect on residential amenity at adjacent properties.
- 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 is one window which may be to a habitable room. A smaller window on this elevation appears to have been bricked up.

- The upper floor window at no.5 appears to be the only window to the room it serves and given the position of the proposed extension there may be some detrimental impact on this window. However, it is noted that this window is to an extension and on the side elevation of the property. Therefore, less weight is afforded to this window in terms of Planning. It is also noted that the extension would not be built directly in front of the first floor window at this property. As such the side extension would not have any significant detrimental impact on residential amenity at no.5.
- The existing driveway would not be affected by the proposed development.
- The drawings show that all of the development would be built within the residential curtilage.

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 increase the number of bedrooms from 3 to 4 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has an area at the front for parking one vehicle and there is also a garage. These would remain following the property being extended and there are no parking restrictions to the highway in front. In this instance then the parking arrangements are considered sufficient.

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 drawings numbered ZT22-196-01 and ZT22-196-02 received on 22/01/2024, drawings numbered ZT22-196-05, ZT22-196-06 and ZT22-196-07 received on 08/02/2024 and drawings numbered ZT22-196-03 and ZT22-196-04 received on 11/03/2024 as modified by the email from Thorp Design Services dated 11/03/2024. The development shall not be carried out except in accordance with the details 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 be render and brick finish to the walls, grey roof tiles, black upvc windows and doors and the dormers to the front and side of the dwelling would have a lead finish as stated on the proposed drawings and application form.

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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 13/03/2024			