

DELEGATED REPORT

Report by Mo Warsame	Date of report: 14/03/2023	Ref: 69145/FUL
Registration: 26/01/2023	LDfC: 16/02/2023	Expiry Date: 23/03/2023
Site Visit: 10/02/2023	Site Notice: N/A	Press Date: N/A
11:00:00		
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at side / rear

Location: 54 Starling Road, Radcliffe, Manchester, M26 4LN

Description

The property is a traditional semi-detached dwelling located within a greenbelt, one of several similar houses on this road. The house has a garage to the side and a large rear garden bounded by Moorgate Road (public footpath 215A).

Planning permission is sought for a larger single storey side/rear extension following the demolition of detached double garage and a conservatory at the rear of the house to accommodate a family room, single garage, shower room and garden room. The design and materials would match the existing house, including pitched, slate roofs. The extension would project 10.6 metres along the shared boundary (No.56), 3.6 metres beyond the existing garage. On the opposite side, the extension would extend 6.7 metres along this shared boundary (No.52).

Relevant Planning History

None.

Publicity

Neighbour letters sent on 26/01/2023. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
OL1	Green Belt
OL7/1	East Lancashire Paper Mill Water Catchment Area

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.

Impact on the Openness of the Green Belt

Section 13 of the NPPF confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' 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 local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include (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. In this respect, the NPPF does not provide any specific definition of what constitutes a disproportionate addition.

UDP policy OL1 and OL1/2 relate to Green Belt and the provision of new buildings. SPD 8 - New Buildings and Associated Development in the Green Belt provides greater clarity and

states that in general terms, extensions up to a third of the volume of the original dwelling may be allowed, but that every application is to be assessed on its merits and even an increase up to a third may not be appropriate in certain situations. This guideline is duplicated in SPD 6 - Alterations and Extensions to Residential Properties.

The measure of (dis)proportion is not a measure of volume only and is widely taken to be an assessment of the volume, mass, scale, footprint and dimensions of a proposal relative to the original and its impact on the openness of the Green Belt.

The proposed extensions would amount to a volume increase of around 43%. This may seem excessive, however the garden, and consequently the extension is well screened from the adjacent public footpath by mature trees and other vegetation. The extension would therefore not stand out as being far more visually obtrusive than the existing garage. Furthermore, given the size of the rear garden the development would not appear disproportionate in its context. As such, the extension would appear proportionate relative to the original dwelling and would appear subordinate to the scale of the original.

Therefore, the proposed development would not have any adverse impact upon the openness of the Green Belt and the proposed development would comply with above UDP policies and SPD's and the NPPF.

Visual Amenity

UDP Policy H2/3 and SPD 6 seek to achieve a high standard of design that complements the original dwelling and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed single storey side/rear extension would have pitched roof replicating the shape and style of the original dwelling and neighbouring properties. Situated mainly to the rear, the extension would have simple and unobtrusive design, which would not detract from the character of the dwelling. Overall, the proposal would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or the openness of the Green Belt and would therefore comply with UDP policies and SPD's and the NPPF,

Residential Amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The single storey side/rear extension would not encroach the 45° rule when taken from the adjacent neighbouring properties.
- Adequate amenity space would be retained within the generous rear garden.
- The proposed side windows facing towards the attached property (No. 52) would be shaded by high fencing and high scrubs. Furthermore, this neighbour has not objected and there would be an appropriate distance to the shared boundary from the proposed side windows.

Given the above, the proposal would comply with the above UDP Policies and SPD6.

Highways

The proposed extension would not increase the number of bedrooms. As such, the current parking arrangement would be sufficient. Given these circumstances, it is not considered that the proposal would have any additional unacceptable impacts upon highway safety.

Conclusion

No objections have been received concerning the proposal. The proposed extension would not represent a disproportionate addition to the building and would not have any unacceptable impacts on the openness of the Green Belt, the character and appearance of the area, visual or residential amenity. Given this, the proposal would be compliant with the above stated policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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 1, 2A 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	14/03/2023	DM	15/03/23