

DELEGATED REPORT

Report by Mo Warsame	Date of report: 03/02/2023	Ref: 69040/FUL
Registration: 05/12/2022	LDFC: 28/12/2022	Expiry Date: 30/01/2023
Site Visit: 29/12/2022	Site Notice: N/A	Press Date: N/A
10:15:00		
Objections: 1	Con Area: SUMM	Adv Type: CAAF
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing rear conservatory and erection of single storey rear extension
Location: 50 Robin Road, Summerseat, Ramsbottom, Bury, BL9 5QP

Description

The property is a mid-terraced stone house in the Conservation area of Summerseat. Robin Road is a dead-end lane leading from the main road to Broad Hey Wood. This property has a conservatory and a large narrow garden to the rear. Property No.48 on the side have extended single storey extension similar to the proposed in this application. The property on the opposite side has a timber/UPVC style conservatory of a similar size and style to the conservatory on the site. The boundary with the neighbours is a 1.5m high timber fence.

The proposal is for the demolition of existing rear conservatory and the erection of a single storey rear extension. The extension would accommodate a new lounge area and project Approximately 3.9 metres to the rear and run for 3 metres to the side. The development would utilise the use of matching materials and would have a pitched roof with two rooflights.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 29/11/2022. One comment received in regards to the existing fencing on the shared boundary.

Conservation Officer

No objections.

Statutory/Non-Statutory Consultations

Conservation Officer

Pre-start Conditions

N/A

Unitary Development Plan and Policies

EN9/1	Special Landscape Areas
OL1	Green Belt
OL5/2	Development in River Valleys
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/3	Listed Buildings

EN6/3	Features of Ecological Value
OL1/2	New Buildings in the Green Belt
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework
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

The application site is located in the Green Belt and as such, paragraph 149 is relevant.

Paragraph 149 of the NPPF states that the construction of new buildings would be inappropriate in the Green Belt. 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 if 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 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 disproportionate SPD 8 considers additions of up to a third (33%) 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.

The proposed extension is located within a greenbelt in the Summerseat conservation area. The original dwelling (as existing in 1947) but excluding later extensions measures 186.1m³, and the proposed extensions would measure 30.2m³. After the development, the dwelling would measure approximately 216.3 cubic metres, which if approved would result in total extension representing an increase of 16.22 % on the original building which would be well within the 33% suggested within SPD 8. The development would be modest and common design within this street.

In this instance due to the location of the proposal and design 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 is a simple extension that would not have an adverse impact on the openness of the Green Belt or result in a disproportionate addition above and beyond the original building. It is therefore considered that the proposal complies with the NPPF, UDP Policies OL1/2, and associated guidance in SPD8.

Conservation Area and 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.

Section 72 of the Town and Country Planning Listed Building and Conservation Act impose a duty of care onto the LPA to preserve or enhance the character of Conservation Areas. This is reflected in UDP Policies EN2/1 and EN2/2 as a saved policy and following the publication of the NPPF these are consistent with NPPF.

Paragraphs 192, 193, 194 and 196 of the NPPF state that in when considering the impact of a proposed development LPAs should take into consideration the desirability of sustaining and enhancing heritage assets, and the positive contribution these heritage assets can make. Any new development is required to make a neutral or positive contribution to local character and distinctiveness.

The proposed construction is for a single storey rear extension with duo pitched roof. The extension would be constructed with natural blue slate roof covering, black UPVC rainwater goods, brown UPVC window and door frames and artificial stonework walls, all to match the existing property. As such, the extension would be subservient to the main house. Furthermore, given the extension would be to the rear of the property, it would be considered to have no significant impact on the street scene or the Conservation Area.

The Conservation officer agrees that the proposed development would not cause any harm to the character and appearance of the conservation area. The design of the proposal is therefore considered to be in keeping with the existing building and would preserve the character of the Summerseat Conservation Area. As such, the proposal would comply with Bury UDP Policies EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and paragraphs 192-194 and 196-197 of the NPPF.

The proposal also 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

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

In terms of overlooking and privacy, there would be no property directly to rear and the proposed extension would have no proposed windows on either side facing the adjoining neighbours. Therefore, the development would be acceptable. In regard to the general prominence and impact on daylight the proposed extension would not project beyond the extensions of the adjacent neighbours and as such, the condition would not be seriously excessive above and beyond the existing situation. In this respect the proposed extension would be no detrimental impact on the residential amenities.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

Given the situation and the fact there are no changes to parking layout, it is therefore considered that the parking arrangements are sufficient. The proposed extension would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Response to objection(s)

The comment/objection concerns a potential disruption to the existing fence on the shared boundary during construction phase and the consequences the development may have on the neighbouring fence/garden. Boundary dispute would be a private matter and therefore

not a planning matter.

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 MS-01/01 (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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	03/02/2023		