

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 18/02/2022

Ref:67873/FUL

Registration: 14/12/2021

LDfC: 10/01/2022

Expiry Date: 08/02/2022

Site Visit: 06/01/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: PI

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey side/rear extension; Conversion of garage to living accommodation; Raised patio with steps into rear garden

Location: 332 Stand Lane, Radcliffe, Manchester, M26 1JB

Description

The application relates to a two-storey semi-detached house in the Greenbelt on a residential street of similar properties. There is an existing rear kitchen extension, raised patio area (with sharp drop of 80cm to garden level), separate garage (in relatively poor condition), and long driveway measuring 22m. Stand Lane itself runs across the Greenbelt linking Radcliffe and Whitfield. Both neighbours have a single storey kitchen extension at the rear but are otherwise as originally built. The rear boundary has trees and shrubs, beyond which is open countryside.

Planning permission is sought for a single-storey extension that would project out by 2.15m at the side and 4.5m at the rear, with the side section extending out a further 4.5m with a footprint broadly similar to the position of the existing garage and have a hipped roof. This additional side section would accommodate what would in effect be a granny annex that contains one bedroom, a self-contained bathroom, and is otherwise directly connected to the main dwelling. Materials would match existing with the exception of white UPVC doors/windows. The remaining driveway would be 14.4m.

There would be a separation of 8.9m to the rear boundary from the main extension, or 4.4m from the granny annex.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 17/12/2021 sent to 3 (three) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
SPD 9	Conversion and Re-use of Buildings in the Green Belt
EN1/2	Townscape and Built Design
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury

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 side 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 396.1m². The proposed new dwelling would be approximately 357.1m², which if approved would result in additional volume including extensions (rear bay, rear kitchen, detached garage to be demolished, current extension proposed) measuring 261.0m² representing an increase of 66% on the original building which is significantly 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 side and rear of an existing residential semi-detached dwelling within a linear development of existing dwellings along Stand Lane many of which have relatively large rear gardens. The surrounding landscape is almost entirely open countryside/ golf course with the exception of sporadic woodland, a cattery, and farm buildings.

It is however, considered that the applicant has submitted a case for Very Special Circumstances (VSC) for a granny-annex for the purpose of providing accommodation for

an elderly relative. The existing house offers minimal accommodation with relatively small rooms with the upper floor generally not viable for elderly living accommodation, while the proposed extension would provide accommodation space more suitable for multi-generational family living, and therefore bringing an otherwise vacant building back into new use. Additionally, it is considered that the proposed development is entirely single storey, occupies space between and including the detached garage, thus creating a more practical multi-generational living space, and given that this property is a limited infill extension that does not alter the existing skyline it is therefore considered to be acceptable. Additionally, the proposed extension is located largely to the side and rear, so would be largely hidden 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. It is there considered that the proposal complies with the NPPF, UDP Policies OL1/2, and associated guidance in SPD8.

Visual amenity - UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of design and appearance the extension is generally in-keeping with the existing house. Situated at the side and rear, the extension would not be largely hidden from the public arena. Materials would match existing with the exception of white UPVC doors/windows. Additionally, the development would incorporate stone lintels and a pitched roof for the rear extension which is considered to be high quality design. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

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 to the rear, the 8.9m/ 4.4m separation distance to the rear boundary from the extension is considered to be acceptable and complies with adopted guidance in SPD6. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

The extension is acceptable in relation to the attached neighbour as it complies with the '45-degree rule' and '25-degree rule' within SPD6. In terms of the unattached neighbour at Nr. 334, the impact of the extension is not significant due to the existence of a detached garage on that neighbours side. There are no side windows proposed except one window and door to patio from the granny annex that faces into the family garden and is 5.2m from the shared boundary.

In terms of the general prominence and impact on daylight the single-storey extension is set off the shared side boundary and is to the north of Nr. 334. The extension would have some impact on part of the attached neighbours rear garden around midday, but 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 either neighbour to warrant refusal.

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

Highways - The proposal would result in the loss of the existing garage and have a shorter driveway. However, the remaining driveway would be 14.4m which would provide sufficient off-road parking for two cars.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy OL1, 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 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 drawing number P13616 as submitted on 06/12/2021 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>
SGR	18/02/2022		