

DELEGATED REPORT

Report by Mo Warsame	Date of report: 18/06/2024	Ref: 70479/FUL
Registration: 06/03/2024	LDFC: 29/03/2024	Expiry Date: 01/05/2024
Site Visit: 12/04/2024	Site Notice: N/A	Press Date: 14/03/2024
13:00:00		
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey/single storey front extension; Three storey/single storey rear extension; Raise of roof ridge height; Loft conversion with 3 no. rear dormers & 4 no. front velux windows; Rear ground floor balcony; Erection of wall & gates to front & side; Creation of new vehicular access

Location: 93 Simister Lane, Prestwich, Manchester, M25 2SU

Description

The property is located on the main road in Simister which is in a designated Green Belt, but it is an area that has many different designs and sizes of residential properties. The application property is a detached house with a fenced garden to the front and garages to the side/rear accessed via a public footpath to the side. The dwelling has also a balcony to the rear looking towards open fields to the rear and the M62 motorway. The extension would be mainly built to the rear and the adjacent neighbours on either side are No.95 Simister Lane and No. 91 Simister Lane which is separated by footpath.

Planning permission is sought for the erection of a two storey/single storey front extension, three storey/single storey rear extension. The raise of roof ridge height and loft conversion with 3 no. rear dormers & 4 no. front velux windows. The installation ground floor balcony to the rear and the erection of wall & gates to front & side together with the creation of new vehicular access.

The part two/single storey front extension would project 2.4m to the front and 3.2m to the side on the ground floor. The two storey element would project 1.25m to the front and also run 3.2m to the side on the first floor. The single storey element of the part three storey/single storey rear extension would project 5.6m to the rear. The three storey element would extend 4.3m to the rear, running across the basement level, ground floor level and the first floor level. The proposed roof would increase the existing ridge height by 1.75m to facilitate loft conversion with 3no. pitched rear dormers and 4no. sunroofs to the front. The development would also include a balcony platform on the ground floor projecting above the proposed single storey extension on the basemen and the erection of wall & gates to front & side together with the creation of new vehicular access. Development would accommodate internal alteration including 2 additional bedrooms via the loft conversion with the rear dormers.

Relevant Planning History

N/A

Publicity

Neighbour letters sent. One objection received.

Comments

The concern of the objecting party relates to the storage of materials and potential obstruction that could be caused during the construction period.

Statutory/Non-Statutory Consultations

Traffic Section - No objections following amendments.

Public Rights of Way Officer - No objections.

Pre-start Conditions

N/A

Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN2/3	Listed Buildings
EN6/3	Features of Ecological Value
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), 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

The application site is located in the Green Belt. Paragraphs 143 and 144 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 145 of the National Planning Policy Framework (NPPF) states that the construction of new buildings within the Green Belt are inappropriate. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of the 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 it;
- c) the extension or alteration of a building provided 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 is 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.

The NPPF continues that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

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.

Policy OL1/2 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.

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. In addition even if a development may cause harm to the openness of the Green Belt it may still be acceptable if very special circumstance (VSCs) are demonstrated.

The property is located on the main road in Simister which is in the designated Green Belt but is an area that has many different designs and sizes of residential properties. The application property is a detached house with a balcony and detached garage to the side/rear. There are open fields to the rear and the M62 motorway. The extension would mainly be built to the rear, away from the adjacent properties.

The proposal would represent an increase of 64% in volume (calculated by the agent). This would not be within the recommendations as set out in SPD 6 and may seem excessive given it would be well above 33%. However, Simister is a well established sub-suburban setting with many different types of residential properties with different sizes in the immediate vicinity. Furthermore, SPD8; states; each case should be considered on its own merits even if the proposed development is above 33%. The majority of the development would be on the basement level and to the rear of the property. The basement element would be shaded by the proposed high fencing and the existing high scrubs and there would be no property to the rear beyond the site boundary. Additionally, the proposed hip to gable roof extension would not increase more than 0.4m beyond the neighbours roof (No.95). Therefore, the proposed extensions and alterations would remain in character with the existing house and its setting. The materials would also compliment the original property. Therefore, the proposal would not have any seriously detrimental effect on the surrounding green belt.

Given its position and that other properties along this row have also been extended and are mostly of different designs the proposed extension would not have any seriously detrimental impact on the openness or the character of the surrounding Green Belt.

In this instance it is considered that the proposal would comply with NPPF paragraphs 143 to 145, OL1/2 - New Buildings in the Green Belt, OL1/3 - Infilling in existing villages in the Green Belt and Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt.

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.

Situated to the rear, the part three storey, part single storey rear extension, and the 3no. rear dormers would not be visible from the street scene at the front and such, would not be a prominent feature. Following negotiation with the agent, the proposed increase in the roof's ridge height would increase 1.75m, down from 2.4m on the original submitted plans. The proposed roof ridge height would now be 0.4m higher than that of the adjacent neighbour (No.95). This would be considered acceptable, given this street have different types of properties with various roof heights. The 3no. proposed dormers to the rear would also be acceptable as they would have a pitched roof and would be appropriately aligned. This would replicate the character of the host property.

The proposed two storey/single storey front extension to the front would be visible from the street scene. However, these elements would have a simple and unobtrusive design, which would not detract from the character of the dwelling. The balcony to the rear on the ground floor would also be acceptable as such, it would not be much more different than the existing balcony.

Overall, the proposed development would be constructed with materials that would be in keeping with the existing and the proposed windows would appropriately align with the existing. 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.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy, there would be no proposed windows on the sides of the proposed rear dormers and there would be a sufficient distance to the rear boundary, and there would be no properties beyond. There would be some proposed side windows on the basement, ground floor and first floor levels. However, none of them would be a primary habitable window and there would be sufficient distance to the adjacent neighbours on either side. Furthermore, the proposed high fencing and the existing scrubs would further shade the proposed development from the adjacent neighbours.
- The proposed balcony would have no detrimental impact on properties on either side, as there would be sufficient distance to each of the shared side boundary. Additionally, the existing high scrubs would further shade the proposed development.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule should be applied. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 5.6 metres on the basement level along the shared boundary would be considered acceptable in this instance.
- The proposed part single/two storey front extension would be modest structure and there would be sufficient distance to the properties in front.

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

Highways

The proposal will result in two additional bedrooms. However, the driveway at its current condition would meet the maximum parking requirements.

Response to comments

The comments relates to the storage of materials and potential obstruction that could arise during the construction period. However, condition HY17 (storage) would be added to this report which would mitigate the these concerns.

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 Dwg no: 2015-A Rev 1, Dwg no: 2015-C, Dwg no: 2015-D, Dwg no: 2015-F, Dwg no: 2031 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.
- 4 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	18/06/2024	DM -	19/06/2024