

DELEGATED REPORT

Report by Helen Pressley	Date of report: 02/11/2023	Ref: 70056/FUL
Registration: 27/09/2023	LDFC: 19/10/2023	Expiry Date: 22/11/2023
Site Visit: 04/10/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of land at side to extend residential curtilage together with extension of existing yard area to the side and erection of 1.8 metre high boundary fence; Single storey extension at side

Location: 313 Holcombe Road, Tottington, Bury, BL8 4BB

Description

The application relates to an end terrace property on Holcombe Road. The dwelling is located on a corner plot on the junction of Holcombe Road and Hunt Fold Drive and is separated from Hunt Fold Drive by an area of soft landscaping. The dwelling has an existing yard areas to the front and rear. The site has been extended at single and two storey to the rear, and has a rear dormer. An area of land is situated to the side of the dwelling that is within the applicant's ownership but not within the residential curtilage of the dwelling.

The site has an existing parking area to the side that has been implemented without planning permission and does not have an associated dropped kerb. An area of land to the side of the original yard has also been enclosed with a wall, and fencing without planning permission.

Planning permission is sought for the change of use of the area of land to the side of the existing dwelling to residential curtilage. This includes regularising the area to the side of the existing yard that has already been implemented. Permission is also sought for construction of a single storey side extension.

Relevant Planning History

02460/E - Single storey extension at side of dwelling; Change of use of land to residential at side of dwelling - Enquiry complete

65448 - Proposal A: Two/single storey extension at rear

Proposal B: Change of use of land at side to extend residential curtilage; single storey extension at side; Formation of parking area at side and erection of 1.8 metre high boundary fence/gate - Split Decision 24/06/2020

20/0205 - Not being built in accordance with approved plans of planning permission 65448 - 05/10/2020

Publicity

Neighbour letters sent 28/09/2023. 2 comments received in relation to:

- asking that the double yellow lines at the beginning of Hunt Fold Drive directly outside of this house be repainted. The reason being that currently they are not visible and vehicles often park there obstructing visibility when exiting the rear access onto Hunt Fold Drive.

Statutory/Non-Statutory Consultations

Traffic Section - recommendation for refusal due to inadequate information for remedial works to address the illegal crossing, and insufficient information in order to provide adequate levels of visibility from the un-named rear access and Hunt Fold Drive.

United Utilities (Water and waste) - . It appears that the extension may be either directly above or in very close proximity to a public sewer. We recommend the applicant seeks some advice from either a professional Building Control Body or contacts our Wastewater Developer Services team directly to discuss this matter. They can find appropriate advice on our website:

<https://www.unitedutilities.com/builders-developers/wastewater-services/building-over-a-sewer/>

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT6/2	Pedestrian/Vehicular Conflict
EN1/2	Townscape and Built Design
OL3	Urban Open Space
OL3/1	Protection of Urban Open Space

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.

Principle (Use)

UPD Policy OL3 - Urban Open Space seeks to ensure that valuable areas of urban open space are retained wherever possible for their amenity value. This is further supported by UDP Policy OL3/1 - Protection of Urban Open Space that states that within the urban area, development will not be permitted where it would lead to the loss of urban open space which provides:

- valuable visual amenity;
- valuable wildlife habitats, corridors and links;
- important outlets for recreation; or
- a buffer between incompatible uses or a link between other open land areas.

Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

This is further supported by the National Design Guide. The National Design Guide, published by the Ministry of Housing, Communities and Local Government in 2019 states that well designed new development is influenced by " an appreciation and understanding of vernacular.....including existing built form, landscape and local architectural precedents." In terms of layout the Design Guide states that a well designed place is unlikely to be achieved by focusing just on appearance, materials and detailing of buildings and that layout, including the grain pattern of development, blocks and lots needs to be considered and relate to one another to create spaces, open spaces and buildings.

The dwelling, and existing soft landscaping area to the side are located on a prominent corner site with the soft landscaping currently providing a needed break in built form along Holcombe Road. Whilst noted that fences are visible at No. 325 these are softened by the substantial tree coverage to the rear of the fencing, and the fencing to the side of the garages at Hunt Fold Drive are set further within the estate and as such are not as prominent when viewed from Holcombe Road.

It is considered that the retention of this area of soft landscaping is important to the visual amenity of the area. The change of use of this area of land could introduce domestic paraphernalia, boundary treatments etc visible from public vantage points that would impact on the character of the streetscene by interrupting the views across the site. This can already be seen by the unauthorised works that have been undertaken by the applicant through the introduction of fencing, a brick wall and hardstanding that inherently change the character of this strip of land to the detriment of the visual amenities of the area. As such the proposed change of use would not be supported.

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. In relation to

boundary treatments SPD 6 notes that boundary enclosures should respect the character of the street scene. In addition to this UDP Policies EN1/2 and H2/3 seek to prevent unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements.

On corner plots SPD 6 requires a gap of 2 metres between the side elevation of a single storey side extension, and the rear of the highway. The proposal would retain a gap of approximately 2350mm between the rear of the highway, and the side elevation of the proposed extension. The proposed 1.8 metre fencing would be located to the rear of this elevation located approximately 1800mm from the highway, which would further increase the amount of built development adjacent to the highway. Full elevational drawings that include the elevations of the existing and proposed fencing in relation to the proposed extension and change of use have not been submitted. The plans also reference a fence along the rear boundary, where this is currently a wall.

As noted above, the dwelling, and existing soft landscaping area to the side are located on a prominent corner site with the soft landscaping currently providing a needed break in built form along Holcombe Road. Whilst the set back of the proposed side extension and fencing would help in some way, the site is still prominent and in the case of this application it is considered that a fence of this height and scale adjacent to the highway, in connection with the proposed change of use, and a single storey side extension would be detrimental to the character of the street scene. It is considered that the proposal would appear dominating and out of scale to the immediate street scene context. The overall impact of the change of use of the land, addition of fencing and proposed side extension as set out within the application is considered to have an unacceptable adverse impact on the character of the street and as such is contrary to UDP Policy EN1/2.

The proposed monopitch roof of the extension is considered to be at odds with the traditional design of the host property. The proposed window fails to reflect the vertical emphasis of the original windows on the principal elevation and the introduction of a stone header so close to the eaves of the roof appears awkward.

Appeal APP/T4210/D/17/3188255 reviews the impact of side extensions on the character of the street scene. This appeal confirmed that the location of an extension on a prominent corner location would lead to a "a visually prominent development adversely affecting the street scene." it is therefore considered that there is a need to carefully design side additions on corner plots such as the proposal site.

In this instance therefore it is considered the proposed development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:

H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties and EN1/2 EN1/2 - Townscape and Built Design.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties. UDP Policy EN1/2 and requires consideration of various factors relating to built design, including the relationship of the proposal to the surrounding area and impact on residential amenity.

The proposed blank side elevation, and fencing proposed would be separated from No. 325 Holcombe Road by a highway and boundary trees and fencing associated with this property. As such no adverse residential amenity issues are foreseen.

The proposed rear glazed doors would be largely screened by the existing rear wall, and

would be separated from the properties to the rear by an un-named road. It should be noted that the site plan indicates this boundary as an existing fence which is incorrect.

The proposed front window would be separated from the directly facing properties, and would project no further forward than the existing front window arrangement.

Access and Highways

UDP Policy EN1/2 - Townscape and Built Design requires the consideration of the design and appearance of access, parking and service provision. Policy H2/3 and SPD 6 seek to maintain highway safety and ensure that visibility for pedestrians, cyclists and drivers of motor vehicles are considered in relation to house extensions and alterations. In addition to this UDP Policy HT6/2 seeks to reduce pedestrian/vehicular conflict in order to create a safer environment for pedestrians.

The Traffic Section have been consulted as part of the application and have raised concerns in relation to the damage that may have been caused to the adopted highway through the use of an illegal crossing of the footway on Hunt Fold Drive and use of a parking space that does not allow a vehicle to be parked clear of the adopted highway. No information has been submitted to ensure that this damage would be remediated.

The application and submitted plans also contain insufficient information in order for adequate levels of visibility to be maintained at the junction of the un-named rear access with Hunt Fold Drive, which would be detrimental to highway safety. The visibility splay should be 2.4m x 33m (measured to the correct point around the radius) and is currently obstructed by the parking being carried out. This would be further obstructed if an extension was constructed in this location.

Other Considerations

Whilst on site visit it has been noted that the applicant continues to use the area of hardstanding to the side of the dwelling without the benefit of planning permission, and by illegally crossing the footpath. It appears that air conditioning units, or similar, have also been installed without planning permission. These issues will be passed to Planning Enforcement to address.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties and EN1/2 - Townscape and Built Design.

- 2 The proposed change of use of this area of land would lead to the introduction of domestic paraphernalia and boundary treatments visible from public vantage points that would impact on the character of the streetscene by interrupting the views across the site. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:
EN1/2 - Townscape and Built Design, OL3 - Urban Open Space and OL3/1 - Protection of Urban Open Space.
- 3 The application and submitted plans do not accurately depict the as built fencing and wall proposed to be retained and fail to provide full elevation details for this wall and fencing in relation to the proposed extension and change of use. The application and submitted plans therefore contain insufficient information to enable them to be properly assess in terms of visual and residential amenity and therefore conflicts with the following policies of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties and EN1/2 - Townscape and Built Design.
- 4 The proposal does not incorporate details of adequate remedial works to address the illegal crossing of the footway on Hunt Fold Drive and removal of the unauthorised hardstanding that does not enable a vehicle to be maintained in the correct position relative to and clear of the adopted highway, to the detriment of highway safety and maintaining the integrity of the adopted highway. The proposal therefore conflicts with the following policies of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties, HT6/2 - Pedestrian/Vehicular Conflict and EN1/2 - Townscape and Built Design.
- 5 The application and submitted plans contain insufficient information in order for adequate levels of visibility to be maintained at the junction of the un-named rear access with Hunt Fold Drive, which would be detrimental to highway safety. The proposal therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties, HT6/2 - Pedestrian/Vehicular Conflict and EN1/2 - Townscape and Built Design.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 02/11/2023		DM 17/11/23	