

DELEGATED REPORT

Report by Amanda

Date of report: 23/07/2025

Ref:71962/FUL

Uhunmwagho

Registration: 04/06/2025

LDfC: 26/06/2025

Expiry Date: 30/07/2025

Site Visit: 27/06/2025

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Variation of condition no.2 (approved plans) on planning permission 71254 (two storey rear extension and loft conversion with rear dormer):

Removal of rear dormer and change to the two storey rear extension roof; Alteration of window opening to front elevation; Formation of new bedroom window to existing side gable

Location: 37 Farm Lane, Prestwich, Manchester, M25 2RX

Description

The application relates to a two storey semi-detached house located in Simister Village, which lies within the designated Green Belt. There is a small front garden with driveway to the side of the house leading to a detached garage. At the rear there is a conservatory on the rear elevation and a patio area. The rear garden is accessed via steps down from the patio. There are fences to all boundaries and to the rear of the site are two detached dwellings with an access road in between them and the site.

Planning permission was previously granted at this property in December 2024 for a similar development. This application has been submitted as there is a proposed change to that permission by varying the approved plans. The main differences between that proposal and the current one is the omission of the rear dormer, changes to the roof of the two storey rear extension, alteration to a window on the front elevation and the addition of a new first floor window to the side gable elevation. There would be some revisions to the internal arrangement of the house but the overall size of the previously approved two storey rear extension would be the same as previously approved.

The two storey rear extension would project 2925mm from the original rear elevation and it would measure 5081mm wide. At first floor it would project 2925mm on the east side and 1108mm to the west side. The roof would be pitched. Externally the main change to the previously approved development would be that there would no longer be a rear dormer, a first floor window on the front elevation would be reduced in size and would have obscure glazing, and there would be a first floor obscurely glazed window installed on the side elevation.

Relevant Planning History

71254 - Two storey rear extension; Loft conversion with rear dormer - Approve with Conditions 19/12/2024

71925 - Non-material amendment following grant of planning permission 71254 (Two storey rear extension; Loft conversion with rear dormer) Change to - Omit dormer extension, minor alteration to rear first floor dormer, introduction of new window to side gable, change window opening size at first floor main elevation - Withdrawn - Invalid 22/05/2025.

Publicity

6 neighbours notified on 04/06/2025 - No comments or objections received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
PFE	Places for Everyone
NPPF	National Planning Policy Framework

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity, and the impact on the surrounding Green Belt.

Principle (Green Belt)

Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. 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.

Paragraph 154 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. 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 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 OL1/3.

The Green Belt statement included with the application states that the extension would have a volume increase of 23% which would be within the limit as suggested in SPD 8.

There are no specific tests on openness set out within the NPPF, and every site would be assessed on its own merits. The rear extension would not project excessively beyond the rear elevations of the adjacent properties and all of the development would be within the original residential curtilage.

The whole of Simister Village is located within the Green Belt and there are many different

types and sizes of properties, many of which have been extended. The proposed extension would be to the rear of the dwelling and would only be visible from the rear of the site. It would be similar to a neighbouring extension two doors along the row. The extension would be built wholly within the residential curtilage. As such the volume increase of 33%, would not be considered inappropriate in the existing streetscene compared with other properties in the immediate vicinity.

In this instance it is considered that the proposed development would not detrimentally affect the openness of the surrounding Green Belt and the proposal would be considered acceptable in terms of UDP Policies OL1/2, SPD 8 and the NPPF.

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.

The proposed development would be considered to be in keeping with the existing building as well as with surrounding houses. As such it is considered that there would be no significant detrimental impact on visual amenity in this location.

Given the above the proposal 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, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- Separation distances between the application properties and properties/gardens to the front and rear of the site would be acceptable in terms of SPD 6.
- There would be over 7000mm from the new first floor bedroom window to the rear boundary. This would be acceptable in terms of SPD 6.
- The first floor section adjacent to the shared boundary with no.38 would project 1108mm from the rear elevation and the side wall would be around 130mm away from the boundary. As such this would satisfy the requirements as set out in SPD 6.
- The extension would project around 2925mm at ground floor level along the shared boundary with no.38.
- On the east side the two storey extension would project just under 3000mm from the original rear elevation. Given that the side elevation would be around 3000mm from the shared boundary with no.36 the extension would not have any significant detrimental impact on residential amenity at that property.
- At the rear of the extension there would be an area of raised decking measuring around 759mm high, which would be similar to the height of the existing patio.
- The proposed extension would not have any impact on the existing parking arrangements within the site.
- The change to the window size on the front elevation would not have any detrimental impact on residential amenity in the area, especially as it would be obscurely glazed.
- The first floor window on the side elevation would be to a habitable room and in most circumstances there should be a minimum distance of at least 7000mm from this type of window to a boundary. The window would be face onto the drive at the property next door and a blank two storey side elevation. In this respect there would be no significant detrimental impact on residential amenity at that property. Normally a window in this position would need to be obscurely glazed and unopening below an internal height of 1700mm. However, in order to satisfy Building Control requirements the window must be openable in case of emergency. As such the side window would be fitted with restrictors so that the window could be opened for ventilation, but not fully. The opening would face towards the front of the site which means any limited views would be towards a public space rather than a private garden. The window would also be obscurely glazed below an internal height of 1700mm. This would be added as a condition in order to retain privacy levels between the application property and the

neighbouring house at all times in the future.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the drive at the front of site.

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 2303/L1-001, 2303/L1-002 Rev B, 2235/L2-100 Rev A, 2235/L2-200 Rev C and 2235/L2-300 Rev B received on 22/05/2025 and drawing numbered 2235/L2-301 Rev C received on 04/07/2025 as modified by the email from LR - Design dated 04/07/2025. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the 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, and Places for Everyone Joint 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 Before the first occupation of the extension hereby permitted the first floor window on the side elevation shall be fitted with obscured glazing (min obscurity level 3) to a minimum height of 1.7m from internal floor level and fitted with window opening restrictors (to allow a maximum opening of 100mm) and shall be permanently retained in that condition thereafter:
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
AU	23/07/2025	DM	28/07/2025