

DELEGATED REPORT

Report by Claire Booth	Date of report: 03/11/2023	Ref: 69884/FUL
Registration: 02/08/2023	LDfC: 31/08/2023	Expiry Date: 27/09/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of 1 no. dwelling including driveway

Location: Land adjacent to 1 Park Avenue, Ramsbottom, Bury, BL0 0DA

Description

Permission is sought to erect a dwellinghouse on a plot of land which was formerly within the curtilage of no. 1 Park Avenue, Ramsbottom. which is located on the corner of Park Avenue and Bury New Road. The application site is located to the east of the motorway bridge on Bury New Road, Ramsbottom and seeks to utilise the former vehicular access for no. 1 Park Avenue, prior to the application site being separated from the property.

The application site forms a plot of land formerly forming the side garden of the north-eastern end of a pair of semi detached formerly hipped roof properties adjacent to the application site, The above-mentioned semi-detached properties (1 and 3 Park Avenue) are located at an angle to look over Bury New Road, the trees bordering the M66 motorway and the bridge over the M66. These properties were designed as a hipped roof properties, as all other properties along Park Avenue are. Both these properties have been extended with hip-to-gable extensions, rear dormers and by two storey front extensions. The LPA does not have any applications, or Lawful Development Certificates on record relating to the additions/ extensions which have occurred on these neighbouring properties.

The proposed dwelling would be located on an area of land located between the gable of no. 1 Park Avenue and Bury New Road. It is bordered by a hedgerow which runs along Bury New Road and is retained by a low brick retaining wall. The soil behind it rises up towards the base of this roadside boundary hedge.

Following refusal of application 69136, which incorporated the application site and the plot of land currently occupied by no. 1 Park Avenue, which was refused for reasons relating to visual amenity, residential amenity, highway safety and refuse storage concerns, permission is again sought for a 5 bedroom dwelling which again seeks a gable extension although it is lower in height and has been reduced in length so it would now project from the front elevation by approximately 1.0m. The proposal therefore seeks a staggered frontage.

4 bedrooms and a bathroom are proposed at first floor, one of the bedrooms would also have an ensuite bathroom. A further bedroom is proposed on the second floor within the roofspace.

The proposed dwelling would again be a two storey gable roof detached property. The dwelling would have a height of approximately 8.55m and would have an eaves height of approximately 5.0m and would have a width of approximately 7.6m and a maximum depth/ length of approximately 10.5m. Materials would consist of rendered walls above a stone plinth. Roofing materials would be of a 'slate appearance'. 3 rooflights are proposed in the front roofslope which would serve the bedroom in the loft space, and 2 rooflights are proposed in the rear to serve an ensuite bathroom to the bedroom proposed within the loft

space/ on the second floor.

Access to the proposed dwelling seeks to utilise the existing access point and driveway located on the corner of Park Avenue and Bury New Road, formerly associated with no. 1 Park Avenue. Three off-road parking spaces are proposed to be sited in front of the proposed dwelling. Two of the spaces are proposed to be parked in tandem.

A bin store is shown close to the access point.

Since the time of the previous planning application, no. 1 Park Avenue has been refurbished and its curtilage has been reduced so that it is no longer included with the application site.

This application has sought to address the previous reasons for refusal under application 69136, however, this is a different application site to that which was submitted for application 69136, and therefore, this application will be judged on its own merits.

Relevant Planning History

69136 - Erection of 1 no. dwelling (Use Class C3) and formation of new vehicular access/ driveway to existing dwelling - Refused, 02/06/2023

14220: New garage to replace existing dilapidated garage - Approved, 10/02/1983

31449: Single storey side extension - Approved, 24/10/1995

Publicity

The application has been advertised by Site Notices erected adjacent to the site on both Bury New Road and Park Avenue. 11 nearby neighbours have also been notified by letter.

No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - Raises objections

Borough Engineer - Drainage Section - No comments or observations received.

Environmental Health - Contaminated Land - No objections, subject to conditions

United Utilities (Water and waste) - No objections but provides information to the applicant

Waste Management - No comments or observations received.

Pre-start Conditions - Not applicable

Unitary Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/4	Street Furniture
HT2/4	Car Parking and New Development
HT2/6	Replacement Car Parking
HT6/1	Pedestrian and Cyclist Movement
H1/2	Further Housing Development
EN7	Pollution Control
EN7/5	Waste Water Management
HT4	New Development
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) 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.

Assessment

Principle of Development

The National Planning Policy Framework should be treated as a significant material planning consideration, and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that

have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore this needs to be treated as a material factor when determining applications for residential development. Therefore, in relation to the proposed dwelling, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

As a result, in this case, the 'titled balance' applies and planning permission should be granted unless the above points in Paragraph 11(d) i or ii apply.

Sites Location

UDP Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located within the urban area, in established residential areas and lies adjacent to Bury New Road that is well served by public transport and to facilities, goods and services in both Bury and Manchester and is in walking distance of the services and amenities available within Ramsbottom.

As such, the site falls in a sustainable location with regard to services and public transport. Thus, the principle of the development is acceptable, subject to consideration of the subsequent matters.

Design and Visual Amenity

Policies H2/1, H2/2 and EN1/2 consider the relationship of new residential development to its immediate context and expects that new development makes a positive contribution to the form and quality of the surrounding area. The NPPF states that decisions should ensure that developments will function well and add to the overall quality of an area, be visually attractive as a good architecture, layout and appropriate landscaping, sympathetic to local character, including the surrounding built environment and landscape setting and maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places.

The National Design Guide, at para. 41 advises good design understands and relates well to the site, its local and wider context.

The layout and character of this locality consists primarily of red brick, semi-detached

hipped roof two storey properties which face either Bury New Road, Park Avenue or Shipperbottom Lane, with the dwellings forming a triangular form of development located to the east of the M66. Similar hipped roof semi-detached dwellings line the opposite side of Bury New Road. The dwellings on the upper side of the motorway form an attractive sense of place.

The application site comprises a triangular piece of land that was formerly the garden area of no. 1 Park Avenue, a north-eastern end of a pair of semi-detached properties located on the corner of Park Avenue and Bury New Road. This pair of semi-detached properties form the northern corner of a triangle of development of residential properties containing, in the main, two storey hipped roof semi-detached dwellings. Dwellings face Bury New Road, Park Avenue and Shipperbottom Lane. The two pairs of semi-detached dwellings on the corners of Bury New Road and Park Avenue, and Park Avenue with Shipperbottom Lane are orientated at an angle and provides an attractive form of development almost in a triangular shape, with the frontages of properties on all three roads providing a strong buildline. The established layout and form of development contributes to the visual qualities of this upper part of Bury New Road and provides a distinct sense of place as you move out from the tight knit traditional buildings within the centre of Ramsbottom.

Adjoining the south-east boundary of the application site, a pair of semi-detached bungalows on Bury New Road, nos. 74 and 76 Bury New Road, are located at a significantly higher level than the application site. The frontage of these dwellings sit slightly in front of the gable of no. 1 Park Avenue. The former hipped roof of No. 1 Park Avenue and no.3 Park Avenue, and all other corner properties within the residential development to which the application site forms part, were orientated and designed to enable two-thirds of the neighbouring property on the adjoining road to be visible.

In this case, due to the orientation of nos. 1 and 3 Park Avenue, the brick gable of No. 76 Bury New Road is visible in views from Bury New Road when travelling both uphill towards the junction of Bury New Road with Manchester Road and when travelling downhill from Manchester Road towards Ramsbottom. When travelling uphill, the set back of the existing dwelling from the frontage of no. 76 is still clearly visible, although the hip-to-gable addition and the dormer addition that has taken place to no. 1 Park Avenue does detract somewhat from the visual qualities of the street scene and the consistent appearance of this collection of dwellings.

The proposed dwelling would protrude past the established frontage of properties present on Bury New Road. It would by its siting and detached form detract from the layout of the group of dwellings that form an attractive development on the east side of the M66. It proposes to have a gable roof and would, by its siting, scale, design and massing, and its projection past the frontage of both no. 76 Bury New Road and no. 1 Park Avenue, and at its closest it would be within 1m of the existing site boundary with Bury New Road. It would result in a visually prominent development that would be out of character with the established layout of the locality and would feel discordant when viewing it within the street scene. There would be minimal space between the blank side elevation of the proposed dwelling and the boundary of the site with the main road and would therefore starkly conflict with the established layout, design and appearance of the locality and the streetscene in which it is set. Accordingly, it would be detrimental to visual amenity and the established layout of this locality.

For all of the above reasons, the proposed development would be contrary to UDP Policies H2/1, H2/2 and EN1/2, and Section 12 of the NPPF and it is therefore recommended that the application be refused on this basis.

Residential Amenity

Policy H2/1 of the UDP requires developments to have an acceptable impact on residential amenity. SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case.

Paragraph 130 of the NPPF requires new development to, amongst other things, create places that promote health and well-being, with a highway standard of amenity for existing and future users and paragraph 185 required planning decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

The closest properties to the application site are Nos. 75, 76 and 77 Bury New Road and No. 1 Park Avenue.

Nos. 75 and 77 Bury New Road are located to the north-east of the site, on the opposite side of Bury New Road and are at a higher level than the application site. The separation distances between these properties and the proposed new dwelling are in excess of 30 metres. This complies with the separation distances laid out within SPD 6.

No. 76 Bury New Road directly adjoins the eastern boundary of the site and is a semi-detached bungalow with habitable room windows at the front and rear. This neighbouring property is set at a higher level from the application site by a floor level. Currently, when egressing their house from the side elevation of their property they look directly into the first floor of No. 1 Park Avenue and they look down into the ground floor of No. 1 Park Avenue, which now contains bi-fold doors across the width of the rear of the existing dwelling on the application site. The dormer addition and hip-to-gable extension present on no. 1 Park Avenue feels very overbearing to these occupiers from the amenity area at the side of the dwelling and their doorway which provides access to the side and rear of their property.

In terms of the proposed new dwelling, this would be positioned to the side and front of no. 76 Bury New Road. The nearest window to the application site serves an open plan kitchen-diner/ living room area, with the other window on the front of No. 76 Bury New Road serving a bedroom. SPD 6 defines a habitable room as a room in which a resident would normally expect to have reasonable levels of privacy for relaxation. This normally would be a living room, dining room or bedroom. Both windows serve such areas, as the open-plan kitchen and living area provides a dining area. This is served by the windows in both the front and rear of the property. As the front and rear of the property face north-east and south-west the occupiers of this property would not suffer from a direct loss of sunlight or daylight.

The windows on the front of this neighbouring property are currently not directly overlooked due to the layout of the locality and the separation distance between the application site and Nos. 75 and 77 Bury New Road, located on the opposite side of the road. The bedroom windows (first and second floors, including roof lights) of the proposed dwelling would have oblique views, into the habitable room windows on the front of this neighbours bungalow. The proposals would, therefore, result in a loss privacy to these neighbouring occupiers not currently experienced and this overlooking, and the perception of being overlooked, would be detrimental to the amenities currently enjoyed by the owners of this neighbouring property.

SPD 6 sets out aspect standards, requiring proposals to be set at least 7m from rear boundaries. The proposed dwelling would be within approximately 4.7m of the rear boundary of the site and within 5.7m of the neighbours habitable room windows. Whilst the proposed new dwelling would be sited to the side of this neighbouring property, it would also project approximately 4m from the front of it, thereby it would result in an undue sense of enclosure when looking out the front of their property that would also feel overbearing and oppressive to these occupiers.

Whilst the applicant asserts this neighbour would not be adversely affected by the proposed development due to it having windows in both the front and rear, the proposal would subject the occupiers of no. 76 Bury New Road to overbearing, enclosing and oppressive effects,

and a loss of privacy due to the oblique overlooking and sense of overlooking they would feel from the proposed first floor windows and rear rooflights. The proposal would therefore detract from the current living conditions enjoyed by these occupiers and would therefore be detrimental to their amenity. The proposal is thus considered to be contrary to Policy H2/1 of the UDP and the National Planning Policy Framework.

No. 1 Park Avenue neighbours the southern boundary of the site. This dwelling has a non-habitable room window in its gable which serves a stairwell and on its front and rear elevations contains habitable room windows. The proposed new dwelling would project forward of the front elevation and the habitable window of no. 1 Park Avenue by approximately 2 metres. Whilst occupiers of 1 Park Avenue would have their outlook compromised, this would be to their north and it would not result in conditions that are considered to be so detrimental to occupiers of this neighbouring property.

Highway Safety and Parking

UDP Policies H2/2 and HT2/4 concern themselves with new development providing suitable and safe parking provision and servicing provision for both new development and for existing developments where replacement parking provision is sought.

The application site is set below Bury New Road, located adjacent to the North of the application site. Park Avenue is located to the West of the application site. Street lighting exists on the adopted highways (pavements) outside the side of the application site.

The proposed new dwelling would utilise what was the existing driveway and parking area for no. 1 Park Avenue. Seperate to this application, a driveway, dropped kerb and hardstanding has been installed at no. 1 Park Avenue. These works did not require planning permission.

The Highway Authority recommend that this application be refused on the grounds that the proposal result in the loss of parking and adequate bin storage arrangements for no. 1 Park Avenue. Whilst this may be the case, no. 1 Park Avenue is outside the application site and therefore cannot be a reason to refuse this application site.

Moving on, the application site is set below Bury New Road, located adjacent to the northern boundary of the application site. The Highway Authority recommend that insufficient information is provided within the application to demonstrate that this could be accommodated on the site, without adversely affecting the structural integrity of the adopted highway, which appears to be retained by the retaining walls located within the application site, to the detriment of highway safety.

The submitted Proposed Site Plan indicates the driveway would be re-laid with a Tegel Block, i.e, by a concrete block driveway. The Highway Authority considers insufficient information exists within the application for them to be sure that surface water will not discharge onto the adjacent adopted highways, to the detriment of highway safety and maintaining the integrity of these highways. The LPA considers this matter could be resolved by planning condition if it were minded to recommend approval of the application.

In terms of parking provision, the proposed new dwelling would be a 5 bedroom home. Although 3 parking spaces are proposed, tandem parking is proposed which would result in cars being unable to turn and leave the site in a forward gear. This would result in occupiers of the proposed dwelling reversing out of the site on to adopted highways, including Bury New Road, a main route to and from Ramsbottom and to and from Junction 1 of the motorway. This would result in conditions detrimental to highway safety, contrary to Policies H2/2 and HT2/4 of the UDP.

Drainage

Bury New Road contains United Utilities assets. United Utilities have raised no objections but have provided advice that would be added as an Informative if the LPA were minded to

approve the application.

Planning Balance and Conclusion

The Council cannot demonstrate a five-year supply of deliverable housing land and as such, in accordance with Paragraph 11 of the NPPF, there is a presumption in favour of sustainable development unless the adverse impacts of approving the development would be significant and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The creation of one new dwelling would provide limited economic and social benefits and whilst the presumption in favour of sustainable development would apply, it is concluded that the benefits of the provision of an additional dwelling would be outweighed by the adverse impacts identified in the above assessment relating to visual amenity, residential amenity and highway safety. Given such circumstances, and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework, planning permission should be refused and as such the application is recommended accordingly.

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. In these circumstances an application is refused to enable the overall speed and quality of the council's decisions to be maintained. 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 by reason of its siting, design, scale, bulk and massing, would be a prominent and intrusive feature in the street scene that would fail to accord with the existing layout, design and the urban grain of residential development in this locality, to the detriment of visual amenity of the street scene and locality, contrary to Policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, and EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan, Section 12 the National Planning Policy Framework and the National Design Guide.
- 2 The proposed development by reason of its siting, design, bulk and massing, forward of the principal elevation of no. 76 Bury New Road, would subject the occupiers of no. 76 Bury New Road to overbearing, enclosing and oppressive effects, and a loss of privacy that would thus detract from their current living conditions, to the detriment of their amenity. The proposal is therefore contrary to Policy H2/1 - The Form of New Residential Development and Policy EN1/2 - Townscape and Built Design of the Unitary Development Plan, Section 12 of the National Planning Policy Framework and the National Design Guide.
- 3 The application and submitted plans contain insufficient information to properly assess the physical impact of the proposed development on the adjacent adopted highway of Bury New Road due to the position of the new dwelling relative to the

back of the footway contrary to Policies H2/2 - The Layout of New Residential Development, and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 4 The proposed car parking layout is inadequate with cars having to reverse on to the adopted highways and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with policies H2/2 - The Layout of Residential Development, and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	03/11/2023		