

DELEGATED REPORT

Report by Mo Warsame	Date of report: 04/05/2023	Ref: 69408/FUL
Registration: 23/03/2023	LDFC: 17/04/2023	Expiry Date: 18/05/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: HOUS

Proposal: Two storey side extension; Single storey rear extension

Location: 853 Walmersley Road, Bury, BL9 5LE

Description

Located within a green belt, the property is a semi-detached dwelling with a drive to the front, and a garden to the rear. The attached neighbour is No. 855 Walmersley Road and No.851 is situated on the opposite side. There are no properties directly to the front and rear of the site.

Planning permission is sought for the construction of a two-storey side extension and single storey rear extension. The proposed two-storey side extension would project approximately 2.36 metres to the side and run to the principle rear elevation. The single-storey rear extension would project 3 metres to the rear and run for 5.73 m.

The two-storey side development would have hipped, pitched roof while the single storey rear extension would have a mono-pitched roof with sunroofs. The proposal would accommodate a utility room with WC, a study, and a new open plan day room on the ground floor level along with additional bedroom and a new ensuite bathroom on the first floor.

Relevant Planning History

None.

Publicity

Neighbour letters set on 27/03/2023. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN9/1	Special Landscape Areas
OL1	Green Belt
OL1/3	Infilling in Existing Villages in the Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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.

Impact on the openness of the Green Belt

Section 13 of the NPPF confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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. The local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include (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. In this respect,

the NPPF does not provide any specific definition of what constitutes a disproportionate addition.

UDP policy OL1 and OL1/2 relate to Green Belt and the provision of new buildings. SPD 8 - New Buildings and Associated Development in the Green Belt provides greater clarity and states that in general terms, extensions up to a third of the volume of the original dwelling may be allowed, but that every application is to be assessed on its merits and even an increase up to a third may not be appropriate in certain situations. This guideline is duplicated in SPD 6 - Alterations and Extensions to Residential Properties.

The measure of (dis)proportion is not a measure of volume only and is widely taken to be an assessment of the volume, mass, scale, footprint and dimensions of a proposal relative to the original and its impact on the openness of the Green Belt.

The proposed development would amount to a volume increase of around 32.9%. This would be acceptable and as such, would appear proportionate relative to the original dwelling and would also appear subordinate to the scale of the original.

Therefore, the proposed development would not have any adverse impact upon the openness of the Green Belt and the proposed development would comply with above UDP policies and SPD's and the NPPF.

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.

SPD 6 states, to avoid the appearance of uncharacteristic terracing, the front elevation at first floor level should be set back by at least 1.5m from the main frontage of the original dwelling. The proposed two-storey side extension would have 1.1 metre set back from the principle front elevation on first floor. This would be below the recommended guideline set by SPD6. However, due to its setting the proposed two storey side extension would still appear subservient.

Situated on the rear, the proposed singles storey rear extension would not be visible from the street scene. This extension would be modest extension with simple design and would only 3 metres to the rear. As such, it would not detract from the character of the area 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.

- The two-storey side extension would have no proposed side windows.
- The proposed single-storey rear extension would have no proposed windows on the sides and would project 3 metres to the rear. 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.
- There would be sufficient distance to the rear boundary and there would be no properties beyond.
- The proposed two storey side extension would not project beyond the principle front elevation and there would be no properties in front.

Overall, there would not be any seriously negative effect on the residential amenity of any adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Parking

The proposal will result in one additional bedroom on the first floor, however there will be no changes to site access or parking. The current parking conditions meets the maximum parking requirements.

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 drawings numbered 1 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	04/05/2023	DM	04/05/23