

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 11/02/2022

Ref:67708/FUL

Registration: 01/12/2021

LDfC: 29/12/2021

Expiry Date: 26/01/2022

Site Visit: 10/12/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Two storey side extension; Single storey front extension

Location: 9 Riverside Drive, Summerseat, Ramsbottom, Bury, BL9 5QX

Description

The application relates to a two-storey detached house on a residential cul-de-sac of similar properties, including a side garage. The unattached neighbour at Nr.7 is set at an angle and has a single storey conservatory extension at the rear and the neighbour on the other side appears to be as originally built. The rear garden has a very steep incline with fence about 1.8m, with the combined height matching to the eaves at the rear. Beyond this is the Summerseat Conservation Area.

Planning permission is sought for a side and rear two-storey extension that would project out within the existing front, side, and rear building lines, and have a gable roof carried over from the existing roof. The first-floor extension above the garage would be set back from the first-floor frontage by 0.845m (1.696m setback from the ground floor frontage). Materials would match existing. The side elevation would include a toilet window at ground floor and a toilet/shower window at first floor

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 03/12/2021 sent to 6 (six) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

OL1 Green Belt

OL1/3 Infilling in Existing Villages in the Green Belt

SPD 9 Conversion and Re-use of Buildings in the Green Belt

EN9/1 Special Landscape Areas

OL5/2	Development in River Valleys
EN6/4	Wildlife Links and Corridors
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) 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.

Green Belt – NPPF paragraphs 147 and 148 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.

The wider aims of Paragraph 145 of the NPPF are to protect and maintain the openness of the Green Belt. The site is located within an established residential area that is washed over by Green Belt designation. The site is located within an established cluster of residential dwellings many of which have been visibly extended. Whilst the proposal would lead to alterations and extensions visible to the front and rear of the property these would be viewed within the context of development within the surrounding residential area

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 OL/3.

This is further supported by SPD8 - 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. In general terms, the Council may allow an extension to be up to a third of the volume of the original dwelling, notwithstanding other material planning considerations such as design and visual appearance. 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.

Information provided by the applicant shows the original dwelling measures 496.75m³. The proposed extensions would measure 52.99m³ which if approved would result in a new total volume measuring 549.74m³ representing an increase of 11% on the original building which is below the 33% suggested within SPD 8. As such, consideration needs to be given as to whether this would be inappropriate at this particular site.

The proposed extension is located largely to the rear and to a lesser extent the side, so would be partially visible from the public view. Additionally, the property is entirely enclosed by the well-established Summerseat Village and therefore would not impact on the openness of the Green Belt.

In this instance it is considered that the proposal would not conflict with the surrounding land uses nor would it create harm to the openness of the Green Belt given the above circumstances. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt, or result in a disproportionate addition. It is therefore considered that the proposal complies with the NPPF, UDP Policies OL1/2, and associated guidance in SPD8.

Special Landscape Area – Policy EN9/1 state that any development which is permitted should be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. It is considered that the proposed plans show an extension of an appropriate scale in relation to the main house, proposed to be constructed in matching materials. The proposed side and rear extensions are similar in style and form to the existing extensions and will therefore be inkeeping with the character of the existing street as a whole.

Development in River Valleys – Policy OL5/2 states that within the River Valleys, new buildings will not be permitted, exceptions considered acceptable where the area does not form part of the Green Belt includes development that represents limited infilling to an established valley settlement area. As such it is considered that this extension represents limited infilling appropriate to the scale of the existing dwelling and is therefore acceptable with regard to UDP Policy OL5/2.

Visual amenity - UDP Policy H2/3 and SPD 6 seeks 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 terms of design and appearance the extension is not out of keeping with the existing house. Situated largely at the rear, the extension would not be readily visible from the public arena. Materials would match existing. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - In terms of overlooking and privacy to the rear, there would be a separation of 5.1m to the rear boundary, which is less than the normal requirement of 7m, although the proposed extension would extend no further than the existing building line while there is an incline/gradient plus substantial tree and shrub planting on the boundary.

The original proposed conflicted with the 45-degree rule as measured from the neighbours nearest habitable window (the neighbours dwelling being positioned at an unusual angle and with the building lines differentiating by around 4m), however this issue has now been rectified. The extension is therefore acceptable in relation to both neighbours as it complies with the '45-degree rule' within SPD6.

The neighbours windows on the side elevation are all side/ non-habitable room windows and therefore cannot be afforded significant weight in any assessment. The kitchen door on the neighbours side elevation also cannot be given a great deal of weight.

In terms of the general prominence and impact on daylight the extension is set off the shared side boundary and is to the north of Nr.7. As such the extension would have a minor impact on part of the rear garden of Nr.11 around midday and any overshadowing would not be seriously excessive above and beyond the existing situation.

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

Highways – No changes proposed.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies OL1, H2/3 and associated guidance in SPD6.

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.

DELEGATED REPORT

- 2 This decision relates to drawings numbered DWG/01R, and DWG/01 Rev A 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 Before the first occupation of the extension hereby permitted the toilet/shower and bathroom windows on the side elevation shall be fitted with obscured glazing 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>
SGR	11/02/2022		