

DELEGATED REPORT

Report by Mo Warsame	Date of report: 05/12/2024	Ref: 71190/FUL
Registration: 11/10/2024	LDFC: 06/11/2024	Expiry Date: 06/12/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey rear extension and loft conversion with dormer at side

Location: 3 Buckley Lane, Prestwich, Manchester, M45 7JZ

Description

The property is a two-storey semi-detached dwelling on Buckley Lane, a rural setting within the openness of a green belt. It has a driveway to the front and garden to the rear. There are no properties to front and rear of the site and the adjoining neighbours are No.4 Buckley Lane (attached) and No. 2 Buckley Lane.

The application proposes a two-storey rear extension together with a loft conversion with side dormer. The two-storey rear extension would project 3.7 metres to the rear and accommodate open-plan kitchen/dinning on the ground floor. The extension would facilitate enlarged bedroom and bathroom on the first floor, while the proposed loft conversion would accommodate an additional bedroom. The proposal would have no side windows on the first floor and second floor levels. The proposal would be constructed using matching materials and it have pitched roof and dormer.

Relevant Planning History

03011/E - Extend rear extension 3.7 metres along shared boundary - Enquiry completed 23/09/2024

Publicity

Neighbour letters sent. One objections received.

Comments

Concerns relates to potential blocking of light from the rear of property and rear bedrooms and patio area, due to overshadowing and interruption of view across green belt land from the proposed development.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Development Plan and Policies

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), 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 PpE 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.

Green Belt

The application site is located in the Green Belt. Paragraphs 143 and 144 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.

Paragraph 145 of the National Planning Policy Framework (NPPF) states that the construction of new buildings within the Green Belt are inappropriate. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of the 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 it;
- c) the extension or alteration of a building provided 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 is 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

The NPPF continues that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

This is further supported by Supplementary Planning Document 8 - 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. To assist in what can be considered to be disproportionate SPD 8 considers additions of up to a third (33%). However, that is not to say something larger, or smaller than 33%, would not be supported as each case is considered on it's own merits.

Policy OL1/2 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.

Policy OL1/3 states that in all named villages which lie within the Green Belt, limited infill development may be permitted, provided that it is in scale with the village and would not adversely affect its character or surroundings. In addition even if a development may cause harm to the openness of the Green Belt it may still be acceptable if very special circumstance (VSCs) are demonstrated.

The proposed addition would equate to an increase of approximately 26%. This would be proportionate and in line with policy. Overall, the proposal maintains the openness of the Green Belt, and is therefore considered acceptable.

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.

The proposed two-storey rear extension would have pitched roof replicating the shape and style of the original, and neighbouring properties. The pitched roof of the proposed side dormer would also be considered acceptable in this area. The proposed windows to the rear would be suitably aligned, and the use of matching materials would create a harmonious development.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and therefore complies with UDP Policy H2/3 and SPD 6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy to the rear, there are sufficient separation distance to the rear boundary from the proposed development and no properties exists beyond.
- The proposed first floor would project as blank wall along the side of adjacent property (No. 2). Furthermore, this property has extended with similar storey extension and as such would have no significantly adverse residential impact. There would be some impact on the adjoining property (No.4) when the 45-degree rule is applied. However, it would not be drastic and such would not lead to any detrimental residential impact in terms of overlooking and privacy. Furthermore, given there would be no proposed side windows facing this neighbour, this would be acceptable.
- The proposed side dormer would have one side window facing the adjacent properties (No. 2). However, there would be adequate separation distance to this neighbouring properties and this window would be a landing window that would be obscure glazed according to the submitted plans.

Overall, there would be no serious significant impact on the residential amenity of any adjacent neighbouring properties. The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions.

Parking

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

Response to Objection

The report have addressed the main concerns of the objecting party. Overall, the above assessment above has highlighted that there would not be any adverse impacts. None of the highlighted concerns would warrant a refusal. As such, the proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions.

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 the drawings received on 03/10/2024 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 and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	05/12/2024	HL -	05/12/2024