

DELEGATED REPORT

Report by Amanda

Date of report: 05/12/2024

Ref:71272/FUL

Uhunmwagho

Registration: 21/10/2024

LDfC: 18/11/2024

Expiry Date: 16/12/2024

Site Visit: 22/11/2024

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: First floor side extension; Two storey part single store rear extension; Reposition existing porch

Location: 73A Simister Lane, Prestwich, Manchester, M25 2SU

Description

The application relates to a two storey detached house located on Simister Lane. The dwelling has an existing single storey garage to the side, and pitched roof porch canopy to the front elevation. The front, and front side boundaries are depicted by a low level brick wall. Parking and area of garden space are located to the front of the dwelling. An area of private amenity space is located to the rear of the property that slopes away from the property. There is an existing glazed balcony to the first floor on the rear elevation.

The site is located within the Green Belt.

Planning permission to extend the property was previously refused and later was dismissed at the appeal stage. The current application seeks to extend the property by way of a first floor side extension and a single storey rear extension, as well as the repositioning of the front porch.

The front porch would project 1016mm forward of the existing front elevation and it would measure 3294mm wide. The roof would be pitched.

The single storey rear extension would project 3978mm from the original rear elevation and it would measure 15,179mm wide. The roof would be flat with three rooflights and patio doors to the rear elevation.

The first floor side elevation would be set back from the front elevation by around 1000mm. It would measure around 4560mm wide and 8223mm long. The roof would be pitched and it would be set down slightly from the existing ridge. There would be three rooflights to the rear of the roof and one to the front.

Relevant Planning History

69923 - First floor side extension; garage conversion to habitable space; raise roof ridge height, loft conversion with rear dormers; front porch; electric gate on front boundary and elevational changes to existing facade/windows - 28/08/2024

69923 - First floor side extension; garage conversion to habitable space; raise roof ridge height, loft conversion with rear dormers; front porch; electric gate on front boundary and elevational changes to existing facade/windows - Refused 13/12/2023

Publicity

5 neighbours notified on 28/10/2024 - One neighbour submitted the following comments;

- The previous application 69923/FUL green belt volume statement noted an increase of 30%. The new application 71272 further increases the green belt volume increase to 43%. Given the further 13% is this application. Is this still an appropriate level of construction in the Green Belt, given previous comments. Whilst the majority of this is on the rear of the proposed development, there is still a bulky nature of the extensions overall appearance.
- The set back of the front elevation is a positive step.
- What are the impacts on drainage for the increase in hardstanding, noting lower level Simister allotments / wetlands, which are susceptible in heavy rain.

On 26/11/2024 an email was sent to the neighbour concerned. They responded with the following comments;

- It is trusted yourself and the LPA team consider the increase provision in floor plate area are determined against the Green Belt land Guidance.
- It should be noted that in terms of the overall massing and street scene, whilst the set back of the side extension is circa 2.3m from the front bay. The ridge height of the side extension, is only on elevation, see snapshot of 745-311, a notional 200/300mm and could be bulky compared to the adjacent properties of 73 and 75 Simister Lane which don't have side extensions. With the 200/300mm this could be a limiting factor in the relief afforded when viewed from street level and from 75 Simister appear more or less a consistent level to the eye.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

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

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)

Paragraphs 152 and 153 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 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 planning statement included with the application states that the extension would have a volume increase of 43% which would exceed the 33% limit as suggested in SPD 8, however in some locations a larger increase would still be considered acceptable in certain situations.

There are no specific tests on openness set out within the NPPF, and every site would be assessed on its own merits. The site is quite large and 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 first floor side extension would be considered subservient to the original dwelling and the only extension to the front would be the porch. As such although the extended dwelling would result in a volume increase of 43%, the resulting building would not appear inappropriate in the existing streetscene compared with other properties along the north side of Simister Lane.

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 dwelling is located within the middle of a row of three dwellings, of the same style and appearance. It is noted that there are various different styles of properties along Simister Lane. The existing gaps between the application property and the adjacent dwellings would be retained.

The ridge of the proposed first floor side extension would be set down from the original ridge and the front porch would be similar to the existing porch. The main difference to the porch would be that it is to be repositioned slightly to the east side of the front elevation. The extensions would be built with a design and finished materials that would be considered to be in keeping with the existing dwelling. As such it is considered that there would not be any significant detrimental effect on the character of the existing streetscene.

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 -

- The existing gaps between the application property and the adjacent dwellings would be retained. As such there would not be any concerns about encroachment on to the neighbour's land.
- At the rear there is a large garden which is on two levels, dropping down at the rear. Beyond the rear boundary are allotments and open fields.
- No.73 Simister Lane has a garage adjacent to the site boundary, along with a shed to the rear. There are no habitable room windows to the side elevation of no.73.
- There would be one new ground floor window to the west side elevation to a new study. The window would face onto the side elevation of the garage at no.73. As a study is not considered to be a habitable room the position of this new window would be considered acceptable in this instance.
- There are no windows to the side elevation of no.75 to the east of site and this property has a single storey rear extension. There would be a new door installed to the east side elevation to a new utility room. It is considered that the new door would not have any significant detrimental effect on residential amenity at no.75.
- The only change to the front would be the repositioning of the porch. This would not interfere with existing parking arrangements at the front of the site, which currently accommodates up to three vehicles.
- The separation distance from the front of the application property to houses on the opposite side of Simister Lane would be considered acceptable in terms of SPD 6.
- The single storey rear extension would project around 3978mm past the rear of no.73 and the side elevation would be around 2432mm away from the shared boundary. This would be acceptable in terms of SPD 6.
- On the opposite side the single storey rear extension would project around 2000mm past the rear of no.75 next door and the side wall would be around 1170mm from the shared boundary. This would be acceptable in terms of SPD 6.
- The proposed first floor side extension would be set back from the front elevation by around 1000mm and it would be built flush with the existing two storey rear elevation, which would be set back from the rear elevation of no.75 next door. As such it would not have any significant detrimental impact on residential amenity at no.75 Simister Lane.
- There would be no changes to the garden area and parking arrangements to the front of the site.
- The single storey rear extension would result in some loss of garden area to the rear of the existing property. However, the rear garden is very large and there would be more than sufficient garden area remaining which would prevent any excessive surface water run off from the site.

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 increase the number of bedrooms from 4 to 5 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing has a drive to the front of the house which can accommodate upto 3 vehicles. This would be considered acceptable in terms of SPD 11. The area has on street parking and there is public transport available. In this instance then the parking arrangements are considered sufficient.

Response to neighbour comments -

An email was sent to the neighbour concerned on 26/11/2024. They had made comments regards the impact of the development on the Green Belt and adjacent properties, as well as asking what impacts the increased building and hardstanding would have on drainage to the lower level areas, including the allotments to the rear of the site.

Following the receipt of the neighbours comments an email was sent to them on 26/11/2024 advising them how the site would be assessed in terms of the development's

impact on the surrounding Green Belt, as well as answering questions regards the drainage concerns.

They were advised that new drainage relating to the extensions to the house would be assessed as part of the Building Control application and contact details for the Building Control team was provided.

The neighbour replied to the email with further comments regards the overall massing and the streetscene. They felt the addition of the proposed first floor side extension would appear bulky compared to the two adjacent properties.

As well as sending an email to the neighbour their comments have been addressed in the visual and residential amenity sections above.

Conclusion -

The proposal is considered acceptable in terms of visual and residential amenity and conforms to the Bury Unitary Development Plan Policy Nos EN1/2 - Townscape and Built Design, H2/3 – Extensions and Alterations and the Development Control Policy Guidance Note 6 – Alterations and Extensions to Residential Properties, and Places for Everyone Joint Development Plan listed.

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 745-301, 745-302, 745-303, 745-304, 745-305, 745-306, 745-307B, 745-308B, 745-309 and 745-310B 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 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU	05/12/2024	HL	06/12/2024