

DELEGATED REPORT

Report by Helen Pressley	Date of report: 14/02/2025	Ref: 71355/FUL
Registration: 17/12/2024	LDFC: 13/02/2025	Expiry Date: 11/02/2025
Site Visit: 16/01/2025	Site Notice: 16/01/2025	Press Date: 23/01/2025
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Proposed Single Storey Side Extension

Location: Davises Farm, Mather Road, Bury, BL9 6TJ

Description

The application relates to a detached property located off Mather Road. The dwelling is a converted outbuilding. The site as a whole comprises of a detached dwelling house, converted barn, the application dwelling and a timber storage building. The site is elevated from Limefield Brow and is partially screened by existing conifer hedging. The site is located within the Green Belt and accessed from Public Right of Way Bridleway 24BUR.

Planning permission is sought for the construction of a single storey side extension that projects approximately 4000mm from the side of the existing dwelling.

Relevant Planning History

66513 - Refurbishment of existing timber storage building including replacing existing timber doors with new timber doors, alterations to fenestration to include 2 no. doors and 2 no. windows in relation to a cattery area and incorporating the existing open storage area within the footprint of the building by the provision of additional cladding to match existing - 22/02/2022

69392 - Change of use of a building to additional living accommodation; Two storey side extension and Single storey front extension; external alterations including alterations to windows / doors and removal of 2 no. windows - 25/07/2024

46639 - Revised layout to previously approved barn conversion (planning permission 42712/04) - Approve with Conditions 31/08/2006

51033 - Two storey detached garage (resubmission) - Approve with Conditions 08/04/2009

52720 - 1 No. storage container (retrospective) - Withdrawn - Invalid 03/09/2010

53356 - Retention of a steel security container and lorry back - Refused 11/01/2011

53814 - Provision of a timber store (temporary) - Approve with Conditions 17/06/2011

61392 - Conversion, alterations and extension to existing block of 3 garages to form detached dwelling - Approve with Conditions 25/08/2017

64437 - Retention of timber storage building granted temporary consent and addition of brown corrugated steel lean to extensions - Approve with Conditions 13/11/2019

66172 - Refurbishment of existing timber storage building including replacing existing timber doors with new up and over metal doors, and providing new patio doors to the cattery area and incorporating the existing balcony area within the footprint of the building by the provision of additional cladding to match existing - Refused 19/01/2021

66300 - Variation of condition 3 (materials) of planning permission 61392 for conversion, alterations and extension to existing block of 3 garages to form detached dwelling: To change the windows from mahogany to antique cream ral 9001 and doors to clifton bellini - Withdrawn - Invalid 22/12/2020

66513 - Refurbishment of existing timber storage building including replacing existing timber doors with new timber doors, alterations to fenestration to include 2 no. doors and 2 no. windows in relation to a cattery area and incorporating the existing open storage area within the footprint of the building by the provision of additional cladding to match existing - Refused 21/04/2021

69392 - Change of use of a building to additional living accommodation; Two storey side extension and Single storey front extension; external alterations including alterations to windows / doors and removal of 2 no. windows - Refused 10/10/2023

Publicity

Neighbour letters sent 23/12/2024

Site Notice 16/01/2025

Press Notice 23/01/2025

No representations received.

Statutory/Non-Statutory Consultations

Planning Policy Manager - no response

Public Rights of Way Officer - no response

Pre-start Conditions - Not relevant

Development Plan and Policies

JP-G9	The Green Belt
OL1/2	New Buildings in the Green Belt
H2/3	Extensions and Alterations
RT3/4	Recreational Routes
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), 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.

Principle (Green Belt)

Paragraph 153 of the NPPF confirms when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. 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.

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), including buildings, 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

(including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- i. mineral extraction;
- ii. engineering operations;
- iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

UDP 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.

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 its own merits.

The applicant has submitted volumes in support of the application.

- The original building that was converted has a volume of 304 m³
- The existing porch extension has a volume of 26.91m³
- The proposed single storey side extension would have a volume of 74.4 m³

The overall additions would therefore have an overall volume of approximately 101.31m³ which equates to an increase of 33%. The proposal is therefore considered to be acceptable in principle subject to consideration of the below.

Visual Amenity

In addition to the Green Belt Policies set out above for householder extensions 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 existing dwelling is set within a compound of buildings and dwellings that are all under the same ownership. There is a shared access to site. The existing dwelling makes up a cluster of buildings and the proposal would not extend beyond the established limit of built form.

The proposed extension would be single storey in height, set back from the principal front elevation giving an impression of subservience. The proposed extension would have a pitched gable roof replicating the shape and design of the original dwelling. The proposed windows are considered to be suitably aligned and the use of materials to match the original building are considered to be appropriate.

From Mather Road, the rear of the proposed extension would still appear subservient to the host dwelling due to the lower height of the extension. A blank wall elevation would face

towards this outlook.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling or the surrounding properties and would therefore comply with the policy considerations set out above.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The immediately adjoining neighbours are within the blue edge of the site plan. The nearest neighbours on Limefield Brow are approximately 86m away and do not share a boundary with the site. As such it is considered that the proposed extension would not have a detrimental impact on the residential amenity of neighbouring properties.

Biodiversity Net Gain

While every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 is exempt from the statutory condition.

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 Location Plan, Site Plan and Access Plan received 20th Decemeber 2024 and 1, 2, 3, 4 received 18th November 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>
HP 14/02/2025		HL - 19/01/2025	