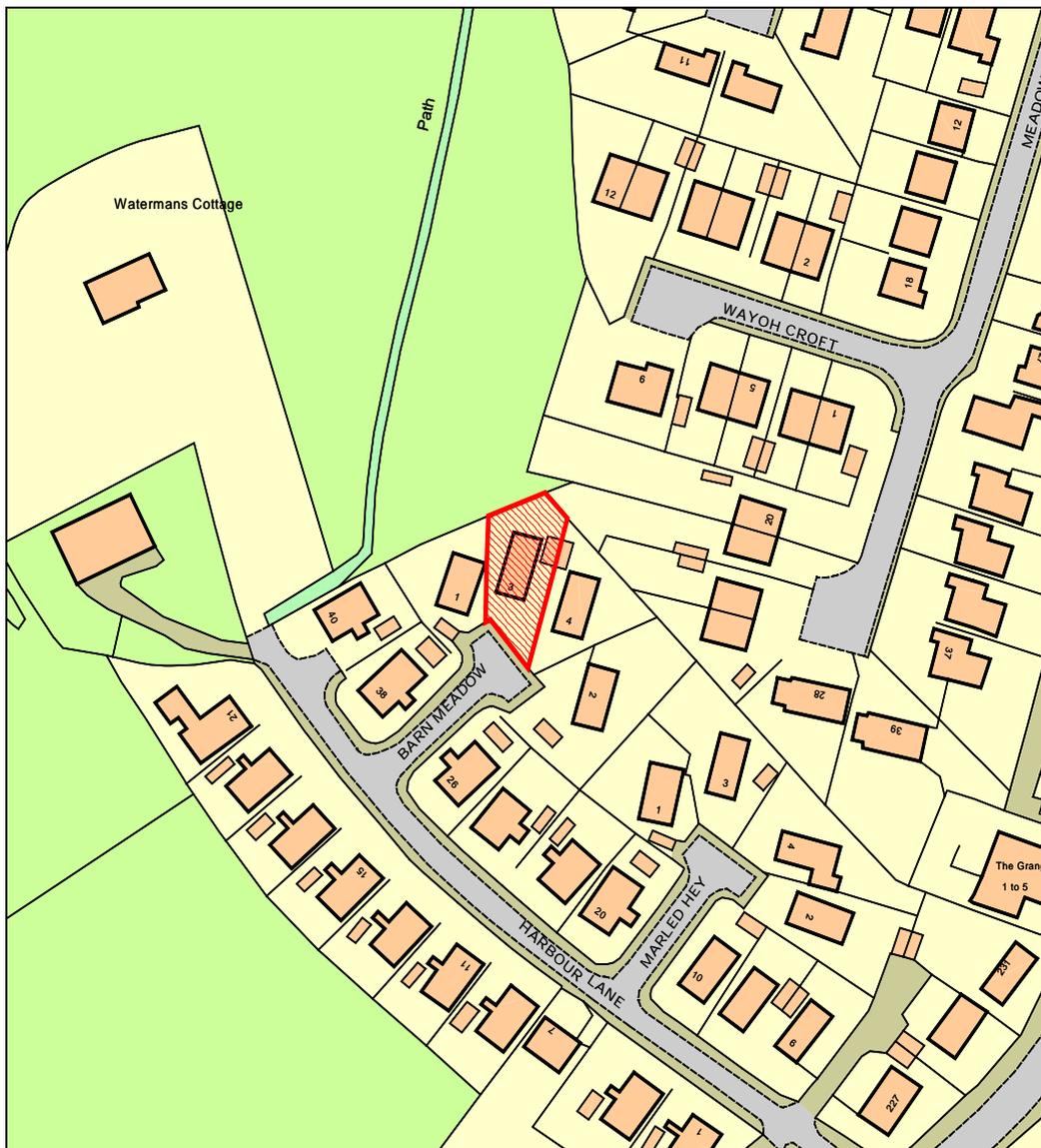


Proposed development: Full Planning Application for Proposed garage conversion and single storey rear extension

**Site address:
3 Barn Meadow
Edgworth
Bolton
BL7 0DW**

Applicant: Mr Ben Hardman

**Ward: West Pennine
Councillor: Colin Rigby
Councillor: Jean Rigby
Councillor: Julie Slater**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – subject to the recommended conditions set out in section 4.0 of this report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The application is presented to Committee under the Chair referral process in accordance with the Scheme of Delegation as the works are retrospective. The proposed development has been publicised through letters to residents of adjoining properties. A significant number of public objections have been received including the Parish Council and Ward Councillor. A summary of the comments is set out in section 7.0 below.

2.2 Planning permission for 'Proposed garage conversion and single storey rear extension' was granted on 01/05/2019 subject to conditions. The application has been submitted on the back of intervention from the Enforcement Officer as the approval has not been constructed as per the approved plans. The key issues to be addressed are as follows:

- The impact of the development to the amenity of the neighbouring properties
- The impact of the development upon the character and appearance of the surrounding area.
- Boundary dispute/encroachment

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site comprises of a detached bungalow located to the northern side of Barn Meadow, within the Edgworth village boundary.

3.1.2 The immediate surrounding area comprises of residential dwellings and an open field that is designated as green belt. Within the field lies a public right of way to the rear of the property.

3.2 Proposed Development

3.2.1 As per 2.2 of this report, planning permission was granted in May 2019 to convert the garage to a habitable room and the erection of a single storey rear extension.

3.2.2 Enforcement colleagues visited the site in September 2019 following the receipt of a complaint from a neighbouring resident.

3.2.3 It was noted the rear extension has been constructed 1m greater in length than the approved plans and a garden store had been added to the rear boundary of the property. Planning permission is sought to regularise both developments.

- 3.2.4 The rear extension measures 6.4m from the rear elevation of the dwelling with the width at 5.2m. The height to the ridge measures 3.9m.
- 3.2.5 **Principle** – the principle of the development has been previously established through the original permission.
- 3.2.6 **Rear and side extension** – the rear extension is attached onto the side extension/garage conversion. Neighbouring properties considered to be affected by the development are No.4 Barn Meadow and No.22 Meadow Way.

3.3 Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 Blackburn with Darwen Borough Local Plan Part 2 – Site Allocations Development Management Policies (December 2015)

Policy 3: The Green Belt

Policy 8: Development and People

Policy 11: Design

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide SPD

This document provides targeted advice to ensure high quality new homes. It aims to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high standards of design. The document also seeks to ensure a good relationship between existing and proposed development in terms of protecting and enhancing.

3.4.2 National Planning Policy Framework (NPPF) (2019)

The National Planning Policy Framework (Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development in Paragraph 7, which is the “golden thread” running through both plan-making and decision-taking. It identifies in Paragraph 8 that there are three overarching objectives to sustainable development. These are Economic, Social and Environmental.

Paragraph 11 of the Framework explains that for decision making, this means approving development proposals that accord with the development plan without delay.

3.5 Assessment

3.5.1 **Residential Amenity**– Policy 8 of the LPP2 (2015) states that development must secure a satisfactory level of amenity for surrounding uses with reference to issues including; loss of light, privacy/overlooking and the

relationship between buildings. This is reiterated and further guidance is supplied within the Residential Design Guide.

The rear extension lies adjacent to the rear garden of No.22 Meadow Way. RES E3 of the Residential Design Guide requires a minimum of 21 metres separation distance to be maintained between facing windows of habitable rooms. No.22 Meadow Way sits circa 30m forward to the rear boundary of the application site and therefore it is not considered the additional 1m in length will have a detrimental impact on the amenity of the occupants at No.22 with reference to issues including; loss of light, privacy overlooking and the relationship between buildings.

With regards to No.4 Barn Meadow, the side and rear extension adjoin the detached garage at No.4. Taking this into account and the boundary treatment it is not considered the additional 1m will pose any greater amenity concerns to the rear facing habitable room windows at No.4 Barn Meadow.

Members should note that the majority of the development has been approved and the additional 1m in length of the rear extension is not considered to provide any additional harm to neighbouring amenity.

Compliance with Policy 8 of the LPP2 and RES E7, E8 of the Residential Design Guide is therefore achieved.

3.5.2 Visual Amenity/Design - Policy 11 of the Local Plan requires development to present a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability. This underpins the main principles of sustainable development contained in the NPPF.

Policies RES E7 Rear Extensions and RES E8 Single Storey Side Extensions of the Residential Design Guide requires that single storey extensions appear subordinate in design and the materials used, roof shape, style and proportion of windows and doors of the extension reflects and adds to the appearance of the house and its surroundings.

The use of matching materials and the UPVC window finish would maintain coherence between the main dwelling and the development. The development will therefore not result in any harm to the appearance of the host dwelling or the surrounding area and would accord with LPP2 Policy 11 and RES E1, E7, and E8 of the Residential Design Guide.

Taking into consideration the above it is considered that the side and rear extension meet the requirements of Policy 11 of the LPP2.

3.5.3 Boundary dispute/encroachment – Along with the neighbour objections, the Ward Councillor and Parish Council raise concerns with regards to the additional 1m in length resulting in encroachment over No.22 Meadow Way.

Members should note certificate B on the application form has been signed and served on both affected parties (No.22 Meadow Way and No.4 Barn Meadow).

Notwithstanding this, it should be noted the encroachment, appears to be inconclusive when viewed from the rear of the property. Boundary posts are positioned between along the rear boundary of the application site and No.22 Meadow Way.

The erection of the outbuilding/garden store along the rear boundary is considered acceptable. The proposed flat roof ensures the outbuilding will pose no harm to neighbouring amenity.

The rear wall of the outbuilding forms a continuation of the original garage wall and therefore it is difficult to assess if any encroachment has occurred.

It should also be noted as a fall-back position the outbuilding complies with the requirements of Part 1, Class E of the GPDO and therefore permission is only required as the outbuilding adjoins the rear extension.

Furthermore, Members are aware that boundary disputes/encroachment issues are a civil issue that may be pursued by the Party Wall Act.

Summary

Taking into account the above, the granting of the retention of the development does not result in any significant harm to the character and appearance of the existing dwelling or the surrounding area nor does it cause any significant harm to the amenity of neighbouring residents.

4.0 RECOMMENDATION

- Development to be in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

- 5.1 10/19/0198 – Proposed garage conversion and single storey rear extension (approved subject to conditions on 01/05/2019).

6.0 CONSULTATIONS

- 6.1 Public consultation has taken place, with 5 letters posted to neighbouring addresses. In response, 5 objections were received which are shown within the summary below, and in detail in Section 9.

Reasons:

- Encroachment/boundary dispute
- Development not in keeping with the area due to the size
- Extensions visible from the field and PROW to the rear
- Impact on residential amenity i.e. loss of light, overbearing
- Drainage/water run-off issues of the garden store
- Insufficient landscaping
- Development sets a precedent within the immediate area

7.0 CONTACT OFFICER: Adam Shaikh – Assistant Planner

DATE PREPARED: 24th December 2019

8.0 SUMMARY OF REPRESENTATIONS

Objection from Glenys Syddall, Clerk to North Turton Parish Council

North Turton Parish Council **objects** to application 10/19/1090 for a garage conversion and single storey rear extension at 3 Barn Meadow, Edgworth, on the grounds that it is an over-development of the site and the proposed pitched roof will overhang the neighbouring property.

The Parish Council also has grave concerns that the recent extension on the site is larger than that approved under application 10/19/0198, and that work is encroaching into the field at the rear not in the Applicant's ownership.

We would be grateful if you could arrange for an inspection by the Enforcement Officer.

Objection from Cllr Jean Rigby

Dear Lesley.

Having just received your response to the the Parish Council re the above.

My concern is the encroachment of the field owned by BwD by the resident of the above property.

Please advise.

Jean Rigby

Councillor for West Pennines Ward

Objection from Miss J Hall

I am writing to object for the above planning application for 3 Barn Meadow Edgworth Bolton for several reasons these are;

1. It is not in keeping with the area and other properties around it. This is due to the proposed size of the extension. It will leave very little greenery around the developed site.

2. It will be very visible from the field and footpath behind it. The development will look ridiculously oversized and be a blot on the countryside which surrounds it.

3. From the property that I live (22meadow way) it will take a large amount of light off the garden and most will be in shadow.

4. The roof overhang is currently encroaching on to our property and according to these new plans will continue to do so.

5. The plans show a proposed garden store with a large single brick wall. If a roof was to be put on this store the overhang would encroach onto our property and the run off of any water would also fall on to our land causing our land to become waterlogged.

When looking at the proposed plans it is very clear there are some detrimental flaws with in them therefore for these reasons this application should be refused.

Objection from Mrs Olwen Hall

I would like to put forward an objection for the above planning application for 3 Barn Meadow Edgworth Bolton on the grounds of:

1. Due to its size It is not in keeping with the area and other properties around it.
2. It is very visible from the field and footpath behind it.
3. The existing property looks over developed for the size of land that it stands in.
4. The plans put forward for it have some major flaws for example the outline of the properties rear garden is not correct the boundary of 3 Barn Meadow is not in line with 22 Meadow Way as shown on the plans because Meadow Ways garden goes around the rear of Barn Meadow. This means that with the new extension there is virtually no rear garden left. On the agents details it says the extension is not over looked by any land or public footpath when it is very visible from the public footpath behind it.
5. The plans show a triangular garden store where at present it is a 7ft single brick wall therefore if a roof was to be put on this store the overhang would encroach onto Meadow Ways property and the run off of any water would also fall on their land.
6. When looking at the erected extension the roof also encroaches on meadow ways property this surely can't be right.
7. Finally I live in Wayoh Croft and from my rear windows the extension looks out of place when comparing it with other properties around it. It also looks like the corner of the extension is over the boundary wall between Barn Meadow and Meadow Way which looks very odd.

For these reasons this application should be refused.

Objection from Mr Michael Nicholson - 22 Meadow Way

Dear Sir/Madam

I am objecting to planning permission at 3 Barn Meadow ref 10/19/1090 as I feel it is over bearing and taking the natural light off my property. (22 Meadow Way)

I have already complained about the last planning permission granted as the building has not followed the agreed plans and is now encroaching on my property with the pitched roof as it has been built too big.

The developer has no regard for neighbors and is only out for a quick profit. The proposed extension is not in keeping with the local area. The proposed development includes insufficient landscaping and seems oversized for the small plot which it is situated on.

Approval would create a precedent meaning that it would be difficult to object to similar proposals.

I also have concerns about the garden store as if the wall which has been built receives concent the roof will be over shadowing my property. Also with it being a triangular shaped roof where will the water flow to? as the developer isn't going to pitch the roof towards his own property.

Taking in to consideration all of the above I will be very concerned should the planning gain approval.

Your Sincerely