

DELEGATED REPORT

Report by Tom Beirne	Date of report: 23/12/2024	Ref: 71298/FUL
Registration: 11/11/2024	LDFC: 13/12/2024	Expiry Date: 06/01/2025
Site Visit: 26/11/2024	Site Notice: 26/11/2024	Press Date: 21/11/2024
Objections: 1	Con Area: AINS	Adv Type: CA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: HOUS

Proposal: Demolition of rear wall and single storey rear extension; new window on front elevation.

Location: 18 Church Street, Ainsworth, Radcliffe, Bolton, BL2 5RT

Description

The application relates to a two storey stone built, mid-terraced house on a row of similar properties. The site is within a conservation area. The property is undergoing extensive internal and external works, most notably the rear elevation being rebuilt.

The proposal involves a single storey rear extension at the rear, projecting out 2.8m from the rear elevation and running across 4.5m. Gaps of 200mm and 250mm would be left along the boundary on either side, where each of the neighbouring properties have been extended. The rear extension would be finished in coursed stone to match the existing house.

The new window on the front elevation would be timber casement and largely reflect those new windows that have been added to other properties in the row. It would have a stone sill and header set down below the eaves. The original proposal had a larger window extending up to the eaves which was considered out of keeping with other windows on the row which have either stone headers and/or coursed stone below the eaves.

Relevant Planning History

24/0427 - Rear extension and internal/basement works - Application received.

Publicity

Immediate neighbours notified by letter dated 15/11/2024. Press and site notices posted.

One objection from a neighbour.

Concerns relating to the small gap of 200mm between the proposed extension and my own rear extension at No 20 Church Street. This would create maintenance problems. I have spoken to my neighbours and suggested that a solution would be possible if the side wall of the proposed extension were to be joined onto my kitchen wall to form a party wall situation, thereby removing the gap altogether. This would also involve the re roofing of my kitchen to a pitched roof in line with the proposed extension roof, which I assume would need to be added to the application.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection to the rear extension. Front window should be set down from the eaves.

Pre-start Conditions - N/A

Development Plan and Policies

H2/3	Extensions and Alterations
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN1/1	Visual Amenity

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.

Visual Amenity and Heritage - Chapter 16 of the NPPF (2019) relates to conserving and enhancing the historic environment and states that Local Planning Authorities should take account of the significance of any heritage asset and the positive contribution it has. Any proposal should preserve or enhance the character of a conservation area unless there is clear and convincing justification. Paragraph 197 states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Any proposal needs to be appropriate to the Ainsworth Village Conservation Area in which the site is located. The rear extension is modest in scale and, finished in coursed stone to match the house, would be in keeping with the existing property. It is noted that there are similar sized rear extensions on the properties to either side.

In terms of the new casement window on the front, the revised plan sets it down from the eaves with a stone header. The position of the new window, with a traditional design, is on balance just about acceptable and would not have a significant impact on the character of the property or wider streetscape where similar windows have been installed.

The proposal, with an appropriate condition requiring details of the design and fitting of the casement window, would be acceptable as it would preserve the character of the conservation area and comply with the NPPF and UDP Policies H2/3, EN2/1 and EN2/2 relating to extensions and alterations within the conservation area.

Residential amenity - The rear extension projects out less than 3m from the existing rear elevation and only about 300mm further out from extensions to neighbours on either side. As such the proposal presents no issues with regard to light or overshadowing to the neighbours. Given the scale the proposal, it would normally be permitted development if the site were not in an Article 4 conservation area. In terms of residential amenity and the relationship to neighbours on either side, there are no residential amenity issues arising. The proposal in terms of residential amenity is acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

Public comment - The comments from the attached neighbour relate to maintenance. This issue would be a private matter between the respective homeowners and not a valid reason to refuse permission, particularly given the relatively modest scale of development.

Enforcement - During the application process, new windows were installed on the front elevation that do not represent what is proposed in the drawings submitted. These windows are not considered appropriate and detract from the character of the property and wider conservation area. Given the proposed drawings, as submitted, are acceptable, it is appropriate to approve the plans and consider enforcement action against the new windows as installed.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 1, 2, 3, 4A, 5, 6, 7 and Y 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.
- 3 Full details of new windows on the front elevation (materials, construction and fitting) shall be submitted for approved by the Local Planning Authority within one month of this decision notice. The approved works shall then be carried out in complete accordance with those details.
Reason. In order to preserve the character of the conservation area pursuant to the NPPF and UDP policies EN1/1, EN1/2 and EN2/2 relating to visual amenity and character of conservation areas.
- 4 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 EN1/1 Visual amenity, H2/3 Extensions and Alterations of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	23/12/2024	DM -	13/12/2024