

Description

The application relates to a detached dwelling house located on Moorbottom Road. The application site is within Holcombe Village Conservation Area and is considered to be a Non-Designated Heritage Asset (NDHA). The site is also located within the Green Belt.

Planning permission has been granted (68084) for a single storey extension to the side. The current application seeks to vary condition no.2 (approved plans) of that application by the change from the approved aluminium curtain wall glazed link, to grey slate roof tiles across the whole of the roof, as well as the formation of raised garden at patio level with steps.

The single storey extension would measure 10.9m x 7.2m as previously approved, with the only change being to the roof materials. The applicant has already constructed the raised garden area at the head of the drive, to the north east side of the site. The main area of the raised garden measures around 9.35m x 9.94m, with a small area to the north that measures around 11.8m where the grassed area meets the steps that lead from the patio area down to the drive. The retaining wall to the garden along with new steps have been constructed using grey painted timber and there is a short metal fence along the south side of the garden.

Relevant Planning History

67490 - Single storey extension - Approve with Conditions 26/10/2021

68084 - Single storey side extension - Approve 28/04/2022

Publicity

Neighbours notified on 14/06/2023 - No comments or objections received.

Site notice erected on 21/06/2023.

Press advert in Bury Times on 22/06/2023.

Statutory/Non-Statutory Consultations

Public Rights of Way Officer - No comments received.

Conservation Officer - The conservation officer objects to the proposal.

Although the conservation officer is satisfied with the removal of the rooflights from the proposed link between the extension and house, there is still concern about the proposed timber retaining wall around the terrace at the front. This would represent a contemporary urbanising feature that would not preserve the character or appearance of the conservation area. As such it represents less than substantial harm to the character and appearance of the conservation area without any public benefit that would outweigh the harm identified. The conservation officer cannot be supported in heritage conservation terms.

Pre-start Conditions - Pre-commencement condition agreed by the agent on 25/07/2023.

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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) and 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 Policy 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, as well as the impact on the conservation area and the NDHA building.

Principle (Green Belt)

The principle of the development within the Green Belt is accepted by the previous approval.

The proposed extension would not be any larger than the previously approved scheme and would have no impact on the openness of the Green Belt. Complies with the NPPF and UDP Green Belt policy and guidance.

Impact on Conservation Area and Visual Amenity -

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 199 of the National Planning Policy Framework (NPPF) requires that when

considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 203 of the NPPF states 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.

This is further supported by UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control that require any development within a Conservation Area to preserve or enhance the special character or appearance of the area.

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.

Norcot was originally a vernacular two storey, two bay farmhouse constructed with coursed and random local sandstone with a stone slate dual pitched roof with gable ends. Evidence suggests the building was extended sometime during the 19th century into a residential property with two storey bays to the western gable and eastern gable. The eastern gable is proposed to be extended at single storey level in coursed stone with a dual pitched roof in the same orientation as the main house and a full length corner window feature to the front and side elevation of the proposal.

The heritage assessment has identified the primary heritage value of the building as its architectural aesthetic and that the building has been much altered during its time. The amended design of the proposed extension is considered modest and acceptable in relationship to the main house and as such the proposal would not harm the significance of the NDHA.

With regard to the raised garden area, this is set well back on to the site and given the way the land falls within the site it would not be readily visible from the front or from neighbouring properties. The retaining wall and steps have been constructed using grey painted timber and there is metal fencing to one side of the garden area. Whilst a different material to the more traditional stone walling around other parts of the site, the new timber retaining wall would be in front of the new extension and relate to this rather than the original house. The proposed timber wall would not appear out of keeping as it is modest in area, it is a natural material and finished in a colour similar to the grey roof slates.

As the area would not be openly visible when viewed from neighbouring properties and Moorbottom Road the area would not cause any significant harm to the character of the conservation area. It is therefore considered that subject to conditions in relation to materials the proposal would preserve the character of the Conservation Area, and would not have a detrimental impact on the character of the dwelling, street scene and neighbouring properties complying with the policies 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 proposed extension would be located approximately 40 m from Meadow Heys and as such it is considered that it would not be unduly overbearing.
- No dwellings directly to the rear of the site.
- The proposed extension would be located approximately 55 metres from the side

elevation of The Croft and as such it is considered that it would not be unduly overbearing.

- Proposed side glazing would be screened by existing boundary treatments.
- Whilst the dwelling and extension is located at an elevated position compared to the Croft the proposed front glazing would be located approximately 55 metres from the side elevation of this dwelling and there are intervening trees and landscaping that act as a screen. As such it is considered that the proposal would not lead to undue loss of privacy.
- The raised garden area and terrace are built to a similar level to the ground floor of the property. The area is set well back from the front of the site and there is an existing hedge along the side boundary which screens the area. It would not cause any significant detrimental harm to residential amenity at surrounding properties.

Taking the above into account 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.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. Part of the original drive has been replaced with the raised garden area reducing the amount of vehicles that could be parked within the site. However, the site has a very large area of driveway, so there would still be ample room on site to park multiple vehicles.