

DELEGATED REPORT

Report by Mark Kilby	Date of report: 30/07/2025	Ref: 72023/LBC
Registration: 09/06/2025	LDFC: 24/07/2025	Expiry Date: 04/08/2025
Site Visit: 02/07/2025	Site Notice: 02/07/2025	Press Date: 03/07/2025
Objections: 0	Con Area: RAMS	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed Building Consent for installation of stud wall in main bedroom to form en suite bathroom; associated drainage connection and replacement of the existing external black metal rainwater pipe

Location: 15 Barwood Lea, Ramsbottom, Bury, BL0 9AX

Description

The application relates to a Grade II Listed period dwelling within Ramsbottom Conservation Area. The original large L-shaped Barwood House has been subdivided into three separate two-storey dwellings, with the application site being at the corner of the "L".

The application relates to a first floor bedroom at the south east corner of the building with an east and south facing aspect.

Internally the bedroom retains original architectural and decorative features such as skirting boards, coving detailing, door opening and window architraves and perhaps the most significant, the original window openings and their frames consisting of original sash windows and shutters in the Georgian Neo-Classical style. The layout of the room is of a simple rectilinear form which highlights and emphasises the rectangular windows rising from floor level to within approximately 300mm of the ceiling, there being one window to the eastern aspect and two to the south.

The proposal is for the creation of an en-suite bathroom comprising of a shower, W.C and wash hand basin. This en-suite facility would surround the single window to the eastern elevation. A stud wall would be produced with two separate sections for the W.C. and shower areas either side of the window with an arched opening giving visibility to the window.

The dwellinghouse is currently in private ownership and occupation.

The submitted Heritage Impact Assessment explains the following:

- The plasterboard will be affixed to the wall using battens with breathable membrane.
- Drainage would run to an existing rain water pipe.
- There would be some minor impact to accommodate new plumbing and drainage.
- These works would be minimal and will run in the direction of the floor timbers to reduce any timber notches to the floor timbers.
- The floor will be secured by having waterproof covering where required.

The submitted design and access statement describes that the existing external rainwater

pipe would be replaced with a new black soil pipe. This has also been annotated on drawing D0372/205 Rev A - Proposed Bedroom Floor Plan - Level 1 as a new soil and vent pipe combined with the existing rain water pipe. This has not been included in the description of this listed building consent application and by virtue of it being sited on an elevation that fronts a highway within a conservation area would require planning permission.

Relevant Planning History

45212 - ERECTION OF LOG CABIN IN REAR GARDEN - Approve with Conditions 01/11/2005

71984 - Listed building consent for removal and reinstatement of the slate covered pitched roof - Approve with Conditions 11/07/2025.

Publicity

Neighbour notification 20/6/25, site notice 2/7/25, press notice 3/7/25. No objections or comments received.

Statutory/Non-Statutory Consultations

Listed buildings - National Amenity Societies. No comments received.

Pre-start Conditions - Not applicable.

Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN1/1	Visual Amenity
NPPF	National Planning Policy Framework
JP-P2	Heritage

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.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 202 of the National Planning Policy Framework (NPPF) states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 210 of the NPPF states in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 of the NPPF states 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 213 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 216 of the NPPF 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.

Paragraph 219 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 220 of the NPPF states that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Impact on the Listed Building -

The application is deficient in details of the potential impacts of the scheme and how the proposed scheme would be implemented. For example the submitted design and access statement refers to the existing rainwater pipe being replaced with a "black soil pipe" and that this would match the other soil pipes and rainwater pipes on this elevation. No details of how this combined soil and vent pipe and rainwater pipe would appear on the building or in the street scene or how they will be installed have been submitted. No details of how the water run off from the roof will be handled. The other additional soil and vent pipe at No.19 appears to have been installed without listed building or planning consent. The application also lacks sufficient information about the protection of the historic fabric of the building with regard to water proofing, adequate steam ventilation from the shower and the amount of harm to or loss of historic fabric such as floor boards, internal walls and external stone finishing for the installation of the soil and vent pipe outlet and fixing to the building.

Notwithstanding the deficiencies identified regarding the methodology, implementation and justification of the scheme, the proposed scheme would be harmful to the architectural and historic interest of the building. It would cause a loss of significance equating to less than substantial harm without any justification of the harm caused by way of a public benefit that would outweigh the harm identified. The building is a privately owned dwelling and is currently occupied with no evidence of recent vacancy. As such it is not considered the works are required in order to bring the listed building into a viable, sustainable use compatible with its conservation.

The proposed stud partition would truncate the room altering its proportions, especially with regard to the south elevation, visually shifting the windows to the left of the internal elevation, effectively placing the second window on the right into the corner of the room. The partition would be affixed to the internal walls by an unknown method requiring intervention into the historic fabric of the building. As such it is not considered the works are fully reversible.

The partition would have an arched opening allowing light into the room and according to the details supplied a restricted view of the window as a whole masking its frame, architrave and shutters and as such altering the visual context of the room and preventing a full experience of the window on entering the room. The arch itself would be an incongruous feature in the room when viewed in the context of the other windows with its heavier revived details of a decorated arch being at odds visually and architecturally with the simple form of the less revived Neo-Classical rectangular windows.

The partition wall would attempt to replicate the original historic features it would mask within the room such as the moulded skirting boards and coving. This would represent a pastiche of the original features of the room challenging its authenticity and legibility causing a loss of heritage significance without any public benefit that would outweigh the harm identified.

The proposed scheme would fail to preserve the special historic and architectural interest the listed building possesses as required by Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990. It would alter the internal layout of the room harming its legibility with regard to its form, masking elements of its historical features causing an unacceptable level of harm to its heritage significance.

The proposal would not comply with statutory requirements of the Planning (Listed Building & Conservation Areas) Act 1990 or the national policies listed above or adopted UDP policy EN2/3 - Listed Buildings.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed partition wall would attempt to replicate the original historic features that it would mask within the room such as the moulded skirting boards and coving. This would represent a pastiche of the original features of the room challenging its authenticity and legibility causing a loss of heritage significance without any public benefit that would outweigh the harm identified.
- 2 The proposed scheme would fail to preserve the special historic and architectural interest the listed building possesses as required by Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990. It would alter the internal layout of the room harming its legibility with regard to its form, causing an unacceptable level of harm to its heritage significance without any public benefit that would outweigh that harm.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	30/7/2025	DM -	01/08/2025