

DELEGATED REPORT

Report by Amanda

Date of report: 12/07/2024

Ref:70672/FUL

Uhunmwagho

Registration: 09/05/2024

LDfC: 14/06/2024

Expiry Date: 04/07/2024

Site Visit: 24/05/2024

Site Notice: N/A

Press Date: 23/05/2024

Objections: 0

Con Area: RAMS

Adv Type: CA

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Front porch, alterations to fenestration and solar panels to the rear.

Location: 72 Nuttall Lane, Ramsbottom, Bury, BL0 9JZ

Description

The application relates to a two storey mid-terrace house on Nuttall Lane, Ramsbottom which is part of the Ramsbottom conservation area. There is a small front garden with a stone wall along the front boundary. There is no on-site parking available. To the rear of the house is a small yard with a stone wall to the rear and gate to the back street.

The proposal is to build a porch at the front of the house measuring 1.2m x 2m. It would be built with stone to match the existing building and would have a mono-pitched roof. The door would be to the front elevation and there would be a small window to the south east side elevation.

The applicant also intends to replace all of the windows with vertical sliding sash style windows to the front and rear elevations. At the rear the existing door would be blocked up and relocated to the centre of the rear elevation where the existing window is. Two small windows would be blocked up at ground and first floor levels and a new bathroom window is to be installed to the first floor. Eight solar panels would also be installed to the rear of the roof.

Relevant Planning History

N/A

Publicity

3 neighbours notified on 10/05/2024 - No comments or objections received.

Press advert on 16/05/2024.

Site notice erected on 24/05/2024.

Statutory/Non-Statutory Consultations

Conservation Officer - The conservation officer objected to the proposed rear dormer which was on the original drawings submitted:-

The application site is not a listed building or a Non-Designated Heritage Asset but is sited within Ramsbottom conservation area. 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 205 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 208 of the NPPF states 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. Ramsbottom Conservation Area Appraisal describes the general character of this part of the area:

“Lower building densities along the south part of Bolton Street, and on Bury New Road and in parts of Tanners ensure that domestic gardens make a significant contribution to the character of these areas. The spatial character of a residential street is often an indication of its historic status; the simplest workers’ housing was densely built up to the back of the pavement with no more than a rear yard, such as in St Paul’s Street, and there is an example of the former back-to-back cottages off Nuttall Lane. Better quality and later terraced housing was built with narrow front gardens behind low walls; for example on Peel Brow and Crow Lane. Higher status houses had extensive garden areas such as the stone villas on Bury New Road”.

There are no objections on heritage conservation grounds to the proposed front porch and proposed alterations to the rear elevation. For the avoidance of doubt the applicant claims a precedent has been set by box dormer on the rear roof slope at No.58 Nuttall Lane. There is no precedent in the planning process as each case is assessed on its own merits. It should also be noted that the dormer has been built without the benefit of planning permission.

The proposed rear dormer does represent an incongruous architectural feature within that part of the conservation area and would neither represent a traditional or historic architectural feature. Its visibility would not just be restricted to the street scene of Nuttall Lane. As such as an incongruous feature the proposed dormer would not preserve or enhance the character or appearance of the conservation area and therefore represent less than substantial harm, within the terms of paragraph 208 of the NPPF. The applicant has not identified the harm caused by the proposed dormer and therefore has not advanced any public benefit that would outweigh that harm. The proposed dormer would not therefore be acceptable in heritage conservation terms as it would either not comply with and be contrary to Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, paragraphs 205 and 208 of the NPPF and adopted UDP policies EN1/1 – Visual Amenity, EN1/2 – Townscape and Built Design, EN2/1 – Character of Conservation Areas and EN2/2 – Conservation Area Control.

The conservation officer has no objections to the revised drawing received on 05/07/2024 relating to the front porch, solar panels to the rear and external alterations to the windows/rear door.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
NPPF	National Planning Policy Framework
PFE	Places for Everyone
EN1/2	Townscape and Built Design

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual amenity, design and impact on the Conservation 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.

UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control seek to preserve or enhance the character and appearance of these areas. Development will only be acceptable if it preserves or enhances these areas with regard to the nature of the development in terms of bulk, height, materials, design, relationship to the surrounding area, and impact of a new use on the character of the surrounding area. Proposals where appropriate should seek to implement measures to retain, replace, restore features of architectural interest, retain and enhance landscaping features, promote environmental enhancement and promote design guidelines to ensure sympathetic development.

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 203 of the National Planning Policy Framework (NPPF) states that 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 208 of the NPPF states 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.

The initial proposal was to build a front porch and a rear dormer. Following receipt of the conservation officer's comments the applicant removed the rear dormer from the proposed drawings and added solar panels to the rear of the roof instead.

Catalogue details submitted show that the solar panels would be installed within the same roof plane as the roof tiles meaning they would not project above the roof tiles. However, solar panels on the rear of the property would be considered to be permitted development. As such there would be no reason to refuse this part of the development.

The porch at the front would be built with materials and a design that would be considered to be in keeping with the existing building and it would be a similar size to other porches to houses along the row. The changes to the vertical sliding sash windows to the front and alterations to openings at the rear would all be considered to be in keeping with the original building. The conservation office has no objections to the front porch or the external alterations to the windows and rear door. The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

The front porch and changes to the window styles to the front elevation would be visible in the streetscene along Nuttall Lane but it is considered that the character and appearance of the Conservation Area would be preserved, and the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

- The proposed changes to the window styles on the front elevation would not have any detrimental effect on residential amenity as the room uses would not change and the separation distance between the site and properties on the opposite side of Nuttall lane would be more than sufficient in terms of SPD 6.
- The front porch would not be considered to be a habitable room. The separation distance from it to the surrounding properties would be considered to be acceptable in terms of SPD 6.
- The porch would be built up to the shared boundary with no.70 next door, but the drawings show it would all be built within the site boundary. The porch would project 1.2m forward of the original front elevation and the side elevation would be around 1.3m away from the ground floor front window at no.70. As such it is considered that there would not be any significant detrimental effect on the neighbour's window.
- The porch would be built well away from the shared boundary with no.74 on the opposite side.
- The changes to the windows and door location on the rear elevation would not have any significant detrimental impact on residential amenity in the area.

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 in terms of separation distance to the surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the highway in front.

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 drawing numbered 1155/1J received on 05/07/2024 as modified by the email from Westhall Design dated 05/07/2024. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 3 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 H2/3 - Extensions and Alterations of the Bury Unitary

Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU -	12/07/2024	DM -	15/07/2024