

DELEGATED REPORT

Report by Mark Kilby	Date of report: 22/07/2022	Ref: 68407/FUL
Registration: 25/05/2022	LDFC: 06/07/2022	Expiry Date: 20/07/2022
Site Visit: 14/06/2022	Site Notice: 14/06/2022	Press Date: 09/06/2022
Objections: 0	Con Area: HOLC	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: New timber casement side hung windows to all elevations; and replacement timber door

Location: 109 Holcombe Old Road, Ramsbottom, Bury, BL8 4NF

Description

The application site is a two storey detached stone built cottage, part of a row of cottages 83-115 Holcombe Old Road built in the late 18th or early 19th century. It is considered to be a Non-Designated Heritage Asset (NDHA) sited within Holcombe Village Conservation Area and the Green Belt.

The buildings' heritage significance is derived from its relatively unaltered state, its vernacular form and materials, architectural aesthetic and historic interest and its group value as part of the row of cottages along that part of Holcombe Old Road, evidencing the dispersed nature of the built environment comprising of dispersed cottages and small hamlets referencing the transition from pre-industrial landscape to a post industrial/rural landscape.

The original proposed scheme was for all the windows to be replaced from the current side hung timber casement windows with timber double glazed sliding sash windows, a new plain timber front door and the opening up of the first floor window on the gable facing Holcombe Old Road.

The agreed revised scheme is to replace the windows like for like, ie timber casement double glazed side hung windows which would be more historically accurate to the period than the originally proposed sliding sash windows more akin to the Victorian period. The proposed enlargement of the window has been deleted from the scheme. The new plain timber door remains part of the scheme.

An Article 4 Direction is in force removing all householder permitted development rights.

Relevant Planning History

17/0400 - Structure being erected in rear garden and glass in side window of approved application 61402 is clear glass not obscure as shown on approved plans - 12/12/2017.

Publicity

Letter to nearby addresses 7/6/22, press notice 9/6/22 and site notice 16/6/22. No objections or comments received.

Statutory/Non-Statutory Consultations - None.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
OL1	Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework

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.

Policy - 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 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets 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 National Planning Policy Framework states 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.

Residential Amenity - The proposed replacement windows and door would have no more impact on the residential amenity of nearby occupiers than currently exists and as such would be acceptable.

Visual Amenity and Design - The proposed replacement windows and door would be like for like and as such would have no more impact on the building or street scene than currently exists and as such would be acceptable.

The submitted plan details the design and materials for the replacement windows and a section detail of the window reveal setback for the proposed windows has been submitted and is satisfactory. There is also a door detail submitted which is acceptable. As such it is considered there is no requirement to impose a condition to secure details.

Green Belt - The proposal does not involve any enlargement of the dwellinghouse. As such there would be no impact on the openness of the Green Belt.

The proposal is considered acceptable with regard to residential amenity and the visual amenity of the area.

The proposal complies with UDP Policy H2/3, OL/1 and SPD6 - Alterations and Extensions to Residential Properties.

Conservation Area - The proposed replacement windows and door are considered to have a neutral impact on the conservation area and therefore would preserve its character and appearance. They would not represent an incongruous form or development within the conservation area and would not alter the legibility of the building in its contribution to the character and appearance of the conservation area. As such the proposals would comply with EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 199 of the NPPF.

Non-Designated Heritage Asset - The proposals would not cause the loss of the identified significance of the Non-Designated Heritage Asset or its contribution to the setting of the conservation area. As such the proposals would not conflict with the aims of paragraph 203 of the NPPF.

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

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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 AB1-02B, detail of proposed plain timber stained door 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 listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	22/7/22		