

DELEGATED REPORT

Report by Tom Beirne	Date of report: 25/03/2025	Ref: 71634/FUL
Registration: 03/03/2025	LDFC: 26/03/2025	Expiry Date: 28/04/2025
Site Visit: 18/03/2025	Site Notice: N/A	Press Date: N/A
Objections: 5	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIDW

Proposal: Variation of condition no. 1 (approved plans) of p/p 68038:
Reduction of roof height and the roof to be reverted back to a hip

Location: 22 Cockey Moor Road, Bury, BL8 2HB

Description

The application relates to a residential plot on a residential row of houses on the north side of Cockey Moor Road. The residential properties along the road are mixed in size, style and finish with large garden areas front and back and form a well established ribbon development linking the west side of Bury with Ainsworth Village. The site is 'washed over' by the Green Belt and the West Pennine Moors and has open countryside to the north, beyond the rear garden boundary. To the west side is a bungalow with an extension at the rear of similar proportions to the existing property whilst to the east is a two storey house with a hipped roof. Across Cockey Moor Road, to the south, are two storey houses.

The latest application proposes an alteration to the plan approved under reference 68038. The alteration involves the rear section of the roof and first and second floors, also at the rear.

- The main roof would be amended from its current unauthorised height, reducing the ridge height to around 8.1m to bring it more in line with the approved plan.
- The pitch of the main roof would be steeper than the approved plan.
- The eaves on the rear outrigger would be raised by around 1m.
- The hipped roof would be have a different and steeper pitch on the side and rear.
- On either side balconies would be formed with 1.9m high obscure glazed screens and a juliet balcony formed on the bedroom on the first floor rear elevation.
- Alterations to front porch.
- Alterations to windows on all elevations.

It should be stressed that the alterations should be compared to the approved scheme and not the 'as built', unauthorised dwelling.

Relevant Planning History

69189 - Variation of condition no. 1 (approved plans) of planning permission 68038 for erection of detached dwelling: Increase the size and height of the second floor and External alterations -

01601/E - Demolition of existing bungalow, construction of replacement dwelling - Enquiry completed 23/01/2015

03018/E - Retrospective work to appease planning refusal - Enquiry completed 24/10/2024

57756 - Demolition of existing bungalow and erection of 2 storey replacement dwelling with additional living accommodation in roofspace - Refused 07/10/2014

58590 - Demolition of existing bungalow and erection of 2 storey replacement dwelling (resubmission) - Approved 03/06/2015

67322 - Erection of detached dwelling - Refused 10/01/2022

68038 - Erection of detached dwelling - Approve with Conditions 28/04/2022

69189 - Variation of condition no. 1 (approved plans) of planning permission 68038 for

erection of detached dwelling: Increase the size and height of the second floor and External alterations - Refused 08/02/2023. Appeal dismissed.

20/0389 - Breach of start by date of planning permission 58590 - 28/04/2022

Publicity

Immediate neighbours notified by letter dated 04/03/2025. Five objections have been received and are summarised below:

- The alterations to the roof are still unacceptable and have a seriously detrimental impact on the neighbours on either side.
- Overbearing.
- Reduced levels of privacy.
- The plans are incorrect and inconsistent.
- The approved plans should be followed and not bypassed.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

OL7/2	West Pennine Moors
OL1/2	New Buildings in the Green Belt
OL1/3	Infilling in Existing Villages in the Green Belt
EN1/2	Townscape and Built Design
EN7	Pollution Control
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury
EN5/1	New Development and Flood Risk
EN7/5	Waste Water Management
EN4	Energy Conservation

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.

Plans - There are contradictions in the proposed drawings. Most noticeably the eaves of the rear outrigger appear different on the rear and side elevations.

Character and openness of the Green Belt - The proposed alterations to the existing 'as built' dwelling, whilst reducing its scale slightly, remain significantly larger than the previously approved dwelling under planning reference 68038, particularly in relation to the roof. In terms of its relationship with the surrounding Green Belt, the proposed dwelling would still appear overdominant and have a seriously detrimental impact on the character and openness of the Green Belt, particularly when viewed from the rear.

The dwelling, particularly when viewed from the rear where there is a public footpath running across the field in a north-south direction, would be overdominant and out of scale with its surroundings. It therefore constitutes unacceptable inappropriate development and is contrary to the NPPF and local Green Belt Policy OL1/2 and guidance in SPD8.

Visual amenity and streetscape - The flat roof, single storey porch on the front elevation is more acceptable and sits more comfortably on the house and within the streetscape.

Whilst reducing the main ridge height to something similar to what was previously approved, it is clear that the new roof would have a significantly different design and silhouette. With a steeper pitch on both the main roof and the outrigger at the rear, the roof would appear significantly bulkier and rather incongruous and out of character with the street scene along Cockey Moor Road.

In terms of visual amenity, it is contended that the design and scale of the house would still have a detrimental impact on the character and appearance of this part of Cockey Moor Road. It is therefore contrary to policies EN1/2 and H2/1 of the UDP, and the guidance set out in SPD6 and SPD16 relating to design.

Residential amenity - The rear outrigger and screens add to the bulk of the dwelling at the rear and as such it remains over dominant when viewed from the neighbouring properties, particularly when taking account of the additional glazed screens around the first floor balcony areas on either side of the outrigger. It is considered that this overdominant element has a seriously detrimental impact on the residential amenity of the neighbours on either side and is unacceptable and contrary to UDP Policies H2/1, H2/2 and H2/3 and guidance in SPD6.

Public comments - The comments from neighbours, where relevant, are reflected in the reason for refusal.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development by reason of its size and scale, would have a seriously detrimental impact on the openness and character of the Green Belt. The proposed development therefore conflicts with the NPPF and the following policies of the Bury Unitary Development Plan: OL1/2 New Buildings in the Green Belt and associated guidance with Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt.
- 2 The proposed development would, by reason of its size and design, be an incongruous and intrusive feature in the locality and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan. EN1/2 Townscape and Built Design, H2/3 and SPD6 relating to residential extensions and alterations.
- 3 The proposed development would be detrimental to the amenities of the adjacent property by reason of its height, size and position. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties
- 4 The application and submitted plans contain contradictory information in relation to the rear outrigger and therefore cannot be properly assessed. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/2 Townscape and Built Design, H2/3 Alterations and Extensions and associated 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>

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