

DELEGATED REPORT

Report by Tom Beirne	Date of report: 22/11/2022	Ref: 68564/FUL
Registration: 29/09/2022	LDFC: 28/10/2022	Expiry Date: 24/11/2022
Site Visit: 15/11/2022	Site Notice: N/A	Press Date: 06/10/2022
Objections: 0	Con Area: HOLC	Adv Type: CA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at front/side with first floor balcony with glazed balustrade and glazed external staircase; Installation of 3 no. dormer windows to existing roof at front; Change existing ground floor front window opening to patio doors and colour of all windows/doors to anthracite grey

Location: Bank Top Farm, Moorbottom Road, Ramsbottom, Bury, BL8 4NP

Description

Bank Top Farm is a stone built dwellinghouse with slate roof located on Moorbottom Road on the western side of Holcombe Hill, on the edge of the Holcombe Village Conservation Area. The building was originally a farmhouse with an attached stables/barn and has in recent years been renovated and converted to form a single dwelling. It is not a listed building and is not included on the Council's draft local list of buildings of architectural or historic interest. The site is within the Green Belt, is a Special Landscape Area and conservation area. Moorbottom Road runs immediately to the north of the site and also serves as Bridleway No.17, Ramsbottom which offers access for cyclists and horse riders to the West Pennine Moors. The nearest neighbour is Moorbottom Fold, along Moorbottom Road, to the north west.

It is proposed to erect single storey south west facing extension (12m by 4.8m) to provide larger kitchen accommodation with balcony space above. Changes are also proposed to existing windows and doors together with new dormer windows. The extension will be built in coursed stone recycled from the existing south facade. This will be topped by a flat balcony area with glazed screen edging and with external steps from the east. There will be large areas of glazing and three triangular part-dormer windows set back within the original first floor. The latter appear to reflect partly the similar windows in the converted barn next door. Elsewhere some ground floor openings on the south-west elevation would be altered to have patio doors. All new windows and doors will be in powder coated aluminium in a grey colour.

A heritage statement has been submitted, assessing the proposal in light of the NPPF and UDP Policies.

Relevant Planning History

57140 - Conversion of barn to 1 no. dwelling (part retrospective) - Approve with Conditions 23/04/2014
57738 - Conversion of barn and stable to 1 no. dwelling (part retrospective) - Approve with Conditions 02/10/2014
62666 - Conversion of barn to 1 no. dwelling with alterations to access track/stone wall - Approve with Conditions 06/06/2018
63360 - Variation of condition no. 2 (approved drawings) of planning permission 62666: Revised front elevation to include the addition of solar panels - Approve with Conditions 22/11/2018

Publicity

Immediate neighbours notified by letter dated 06/10/2022. No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors
H2/3	Extensions and Alterations

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.

Heritage

The NPPF and UDP Policies EN2/1 and EN2/2 states 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.

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

The heritage statement states that in then light of policies and guidance, there would be no harm to significance and that the impact on the character of the conservation area would be neutral.

Although it is the main elevation, the west elevation is not sensitive in terms of the significance of the building and views from the conservation area. The nature of changes proposed will not be seen generally and will not affect the character of the conservation area. They will not be visible from Moorbottom Road or from any vantage points on nearby public footpaths. The site would be visible from the other side of Redisher Valley, but this will only be a general view at distance. This approach appears to be consistent with the LPA's view of the impact of the barn conversion (planning applications 62666 and 63360 and built c2019) on the conservation area where traditional elevations were incorporated on the north (the public) side and allowing more design flexibility on the south.

In terms of the NPPF and UDP Policies, the proposal is acceptable and complies with UDP Policies EN2/1 and EN2/2 in relation to conservation areas.

Visual amenity, Special Landscape Area, West Pennine Moor and Green Belt

The proposed extension would be on the south west elevation, leaving the traditional and more historic north east elevation unaffected. It would be screened by the main house, would not be viewed from Moorbottom Road. It would infill the 'set-back' and would not project beyond the existing elevation that faces onto the yard area. The extension would not be prominent and with only long range views from the west, it would not have a detrimental impact on the character or openness of the surrounding Green Belt. Finished in stone, the extension would be in keeping with the existing house. The balcony balustrade is glass and would not be a particularly prominent feature.

In terms of visual amenity, Special Landscape Area, West Pennine Moor and Green Belt, the proposal would be acceptable and comply with the NPPF and UDP Policies EN1/1, EN9/1, OL1/2, OL7/2 and H2/3.

Residential amenity - Given the position of the proposed balcony in relation to the nearest

neighbour, to the north west, there would be no overlooking or other residential amenity issues arising from the proposal. The proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 in relation to residential amenity.

Parking - On-site parking is unaffected by the proposal.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 drawings numbered DWG01 and 02 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.
- 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 EN1/1 Visual Amenity of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	22/11/2022		