

DELEGATED REPORT

Report by Mo Warsame	Date of report: 14/08/2024	Ref: 70837/FUL
Registration: 10/06/2024	LDfC: 04/07/2024	Expiry Date: 05/08/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: RAMS	Adv Type: CA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Garage conversion to habitable along with the installation of roof lights on both the existing garage and the main dwelling.

Location: 25 Callender Street, Ramsbottom, Bury, BL0 9DX

Description

The property is located within a terraced row of residential properties, which are constructed from stone and slate. The terrace is located within the Ramsbottom conservation area. The properties have a small front garden and a rear yard, which is accessed by a road. At the rear of the application site, there is a footpath leading to the dwellings on Albert Street, which are at a higher level. At the front of the application site, there is an apartment building and the land slopes away to Bolton Street. Whilst there is no off-street parking provision, Callender Street is a one way street, with on-street parking on both sides of the road.

Planning permission is sought for garage conversion to habitable along with the installation of roof lights on both the existing garage and the main dwelling. The development would be constructed using matching materials and would also include some internal alterations.

Relevant Planning History

02752/E - Installation of velux double glazed roof window with flashing in garage roof; Replacement of old aluminum garage door with modern thermally efficient alternative and internal changes. - Enquiry completed 23/08/2022

48644 - Two storey rear extension with roof terrace; front dormer extension; rebuilding of perimeter wall; new roof over existing building to line up with adjacent property - withdrawn by applicant 03/12/2007

48645 - conservation area consent for demolition of boundary walls, shed and garage to enable subsequent redevelopment - withdrawn by applicant 03/12/2007

49284 - two storey extension to rear and side of existing two storey outrigger. skylight and dormer window at rear and two skylights at front. rebuilding of perimeter wall - approve with conditions 05/03/2008

49285 - conservation area consent to demolish greenhouse; outside wc; oil tank and partial demolition of garage. all works in conjunction with application 49284 to extend the property - Approve with Conditions 05/03/2008

55124 - Non-material amendment following grant of planning permission 49284 to amend windows - Approve 14/05/2012

15/0200 - Raising the roof - 17/06/2015

Publicity

Neighbour letters sent. No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections.

Pre-start Conditions

N/A

Development Plan and Policies

EN9/1	Special Landscape Areas
OL1	Green Belt
OL5/2	Development in River Valleys
EN2/2	Conservation Area Control
EN6/4	Wildlife Links and Corridors
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt

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.

Visual Amenity and Conservation Area

Section 72 of the Town and Country Planning Listed Building and Conservation Act impose a duty of care onto the LPA to preserve or enhance the character of Conservation Areas. UDP Policies EN2/1 and EN2/2 reflect this requirement and are consistent with NPPF. LPAs should take into consideration the desirability of sustaining and enhancing heritage assets, and the positive contribution these heritage assets can make. Any new development is required to make a neutral or positive contribution to local character and distinctiveness.

Paragraph 202 of the National Planning Policy Framework (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.

There is no Article 4 Direction in force in the Ramsbottom Conservation Area removing householder permitted development rights. As such, the addition in the side elevation at ground floor of a new window opening, new rainwater goods and an additional rooflight (subject to roof projection limitation) would be permitted development.

Apart from the replacement of the existing garage door and the installation of the rooflights to the garage and the main dwelling, there would be no other changes externally.

Given 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. As such, the proposal would have no detrimental impact on the character and appearance of the conservation area.

Residential Amenity -

- The garage conversion would not to have any significant detrimental impact on residential amenity.
- There would be no new windows except for the proposed rooflights.
- There would be ample parking spaces remaining within the site once the garage is converted.

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.

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 106-P-001 P02, 106-P-002 P02, 106-P-010 P02, 106-P-013, 106-P-020, 106-P-021, 106-P-022, 106-P-030, 106-P-040, 106-P-100 P01, 106-P-110 P01, 106-P-113 P01, 106-P-120, 106-P-121, 106-P-122, 106-P-130, 106-P-140 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 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>
MW - 14/08/2024		HL - 14/08/2024	