

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 17/01/2024 | <b>Ref:</b> 70316/FUL          |
| <b>Registration:</b> 04/12/2023 | <b>LDfC:</b> 06/01/2024           | <b>Expiry Date:</b> 29/01/2024 |
| <b>Site Visit:</b> 09/01/2024   | <b>Site Notice:</b> 20/12/2023    | <b>Press Date:</b> 21/12/2023  |
| <b>Objections:</b> 0            | <b>Con Area:</b> HOLC             | <b>Adv Type:</b> CA            |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Extension of roof over the existing garage to provide covered storage area; Modifications to existing front elevation to include removal of all brick facings and replacement with natural coursed stone/stone sills and a steel stanchion to replace the brick column; Replacement balustrade/canopy at side; Creation of new garden area over the existing driveway at front

**Location:** Redlands, Rawsons Rake, Ramsbottom, Bury, BL0 9HH

### **Description**

The application relates to a 1960's style detached house on a residential road of mixed dwellings. Constructed mostly using red brick with a natural slate roof, its appearance when viewed from Rawson's Rake is of a bungalow with a separate detached garage set on higher level. Cut into the hillside, a lower floor is concealed from view. The dwelling is accessed from Rawsons Rake via two access points along the frontage. The site lies within Holcombe Village Conservation Area.

The proposal involves:

- Forming a garden area between the two access points which allow parking and turning at either end of the site.
- Extending the roof of the garage will provide a covered area on which to store logs and refuse bins.
- Removal of all facings on the front elevation, including the brick spiral column and replacement using natural coursed stone and stone sills, with a steel stanchion replacing the column.

### **Relevant Planning History**

51365 - Two storey rear extension incorporating balcony within roof - approve with conditions 14/07/2009

68159 - Replacement garage with roof link to main dwelling; elevation alterations - Approve with Conditions 11/05/2022

### **Publicity**

Immediate neighbours notified by letter dated 13/12/2023. Press and site notices posted 20th and 21st December respectively. No objections received.

### **Statutory/Non-Statutory Consultations**

Conservation Officer - No objection.

**Pre-start Conditions** - N/A

### **Unitary Development Plan and Policies**

H2/3 Extensions and Alterations

EN1/2 Townscape and Built Design

|       |                                    |
|-------|------------------------------------|
| EN2/1 | Character of Conservation Areas    |
| EN2/2 | Conservation Area Control          |
| 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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 site is within Holcombe Conservation Area, where an Article 4 Direction removes all permitted development rights. The National Planning Policy Framework (NPPF)

clause 189 requires that the applicant should describe the significance of any heritage assets affected in these areas, including any contribution made by their setting. A heritage statement has been submitted which sets out the implications of the proposal on the conservation area.

Although Redlands is set back behind a traditional stone wall, the dwelling itself is relatively modern and contributes little to the character of the conservation area.

The proposal would change the image of the dwelling from predominantly red brick to stone and this would be more in keeping with the wider conservation area and represent an improvement over the existing development. Reducing the large expanse of tarmac and replacing with soft landscaping would also enhance the site's setting, especially when viewed from Rawson's Rake.

The proposal, in terms of heritage, would be protect and enhance the character of the conservation area and the conservation officer has no objection. Complies with the NPPF and UDP Policies EN2/1 and EN2/2 relating to conservation areas.

**Visual Amenity** - The proposals are modest in scale and, in terms of visual amenity, would improve the appearance of the property within the streetscape and wider conservation area. The proposals are acceptable and comply with UDP Policies H2/3, EN1/2, EN2/1 and EN2/2 and associated guidance in SPD6 with regard to visual amenity.

**Residential Amenity** - Given the modest scale of the proposal, there are no issues arising with regard to residential amenity. Comply with UDP Policies H2/3 and associated guidance in SPD6 with regard to residential amenity.

### **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 RM2-00, 01, 02, 03, 04 and 05 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| Tom Beirne          | 17/01/2024  |                         |             |