

DELEGATED REPORT

Report by Tom Beirne	Date of report: 07/12/2023	Ref: 70096/FUL
Registration: 20/09/2023	LDfC: 26/10/2023	Expiry Date: 15/11/2023
Site Visit: 24/10/2023	Site Notice: 04/10/2023	Press Date: 05/10/2023
Objections: 1	Con Area: RAMS	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear/side extension

Location: 161 Bolton Street, Ramsbottom, Bury, BL0 9JD

Description

The application relates to a two storey dwellinghouse on the east side of Bolton Road at the end of a terraced row of houses fronting onto Rose Hill. The group of terraced properties (Nos2-12 Rose Hill and 161 Bolton Road) is a non-designated heritage asset (NDHA) and also lies within Ramsbottom Conservation Area. The house was built in the late C19. There had been no change to the property until late C20th when a single storey rear extension was added.

The proposal involves adding a single storey rear, flat roof extension onto the existing property to create an accessible bedroom and utility. The extension would project out 4.5m to the rear and extend across the rear, stopping short of the shared boundary wall and running back to the house at a diagonal angle.

Relevant Planning History

62807 - First floor extension at rear; Removal of chimney stack and re-roofing in slate - Refused 20/06/2018

Publicity

Immediate neighbours notified by letter dated 28/09/2023. Site notice posted 04/10/2023 and press notice posted 05/10/2023. Objection received from attached neighbour. Previous plans, submitted in 2018 (62807) were refused on grounds that they would be detrimental to the amenities of the adjacent property at 2 Rose Hill by reason of its height, size and position. No reason why the new plans would therefore be acceptable in current form as far as my property is concerned. Concerned of loss of light to the property.

It is noted that the previous refusal was for a first floor extension at the rear, above the existing rear extension.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN2/3	Listed Buildings

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 - An appraisal of the heritage value of the house, with particular focus on the impact of the proposal, has been submitted with the application. Evidentially, the house acts as a physical reminder of mid C19th buildings and is representative of the local building methods and tradition. It provides us with a small historical connection to the communities of old and allows us to interpret an aspect of development of the local region. Communally the building possesses little if any heritage value, whereas aesthetically its 2-storey form is a typical feature of housing styles in this time period, this is confirmed by other building styles in close proximity to the property.

The property is already used as a residential property and as such it is the findings of the heritage statement may be summarised as follows:

- The works are to the rear of the property and there will be no change to the front of the

house. All external materials are to match the existing property style.

- There is no significant loss in heritage terms as the property has limited historic and communal value.

The proposal, given its scale and siting at the rear, preserves the heritage value of the site and the Conservation Officer has no objection. The proposal is considered to be acceptable and complies with the NPPF and UDP Policies EN1/1 and EN2/3 in relation to heritage.

Visual amenity - The extension is at the rear and set behind the existing boundary fencing and planting along Bolton Road. As such, views from the public arena would be very limited. The initial plans had the extension projecting above the shared side boundary with the attached neighbour at No.2 Rose Hill. Although this fence line was already high, the extension would add further to the height of the boundary. The extension has been amended so it is set further away from the shared boundary with No.2 Rose Hill so the impact is lessened somewhat.

In terms of visual amenity, the extension would be set behind existing planting and fencing along the boundary with Bolton Road. At ground floor level only, it would not be prominent within the streetscape or when viewed from neighbouring properties.

The extension would be acceptable and comply with UDP Policy H2/3 and guidance in SPD6.

Residential amenity - The extension has been set further back from the shared boundary with No.2 Rose Hill than originally proposed, reducing the visual impact when viewed from the rear of that property. Set behind the shared boundary fencing, the extension, as amended, would not have a significant impact on the amenity of the attached neighbour at No.2 Rose Hill. With a condition restricting the use of the roof as a balcony, the extension would be acceptable and comply with UDP Policy H2/3 and guidance in SPD6.

Neighbour representation - The neighbour refers to the previous refusal for a rear extension. The previous proposal is a different scheme to the current proposal and as such is assessed on its own merits. The amended scheme, set behind the shared boundary would not have a significant impact on the neighbour and as such is considered acceptable.

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 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 drawings numbered ZT23-196-01, 02, 03, 04/Revised and 05/Revised 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 roof of the approved extension shall not be used as a balcony.
Reason. To avoid overlooking and to protect neighbour amenity pursuant to UDP Policy H2/3 and guidance in SPD6 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
TB 7/12/23		DM 7/12/23	