

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 27/02/2025	Ref: 71485/LBC
Registration: 02/01/2025	LDFC: 12/02/2025	Expiry Date: 27/02/2025
Site Visit: 30/01/2025	Site Notice: 30/01/2025	Press Date: 30/01/2025
Objections: 0	Con Area: MOUN	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed building consent for single storey rear extension following demolition of existing rear extension

Location: 33 Mount Pleasant, Nangreaves, Bury, BL9 6SP

Description

The application relates to a 2 storey stone built mid terraced cottage which is located in the Mount Pleasant Conservation Area and the Green Belt. The cottage is part of a row which are Grade II listed within the village of Nangreaves.

The cottage has 2 single storey rear extensions which are positioned next to each other, built at different heights and there is a rear yard which extends approx 10m to the land at the rear.

The dwellings either side of the application site similarly have single storey rear extensions which extend across the full width of their rear elevations.

The application proposes demolition of the existing extensions and Listed Building Consent for the erection of a new single storey rear extension.

The extension would project 2.95m from the original rear wall and would extend the full width of the rear elevation of the cottage, approx 4.14m.

The extension would be built of natural stone and have bi-fold patio doors and two rooflights with a natural slate roof.

The dwelling has the benefit of a Lawful Development Certificate for a single storey rear extension which was granted in December 2024. .

Relevant Planning History

71287 - Lawful Development Certificate for proposed single storey rear extension - Lawful Development 16/12/2024

Publicity

Letters sent on 22/1/25 to 2 properties.

Site notice posted 30/1/25

Press advert 30/1/25

No responses received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection

Historic England - No response received.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
H2/3	Extensions and Alterations
JP-G1	Landscape Character
JP-G9	The Green Belt
JP-P2	Heritage

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.

Heritage issues

The application site is a Grade II listed building dating from the early 19th century. It is part of a listed terrace of five two storey stone and slate workers cottages that formed part of the original factory village of Nangreaves Cotton Mill. The site is within Nangreaves conservation area.

The Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Paragraph 210 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 of the NPPF 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.

Paragraph 213 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 215 of the NPPF states that 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.

The proposal would have a neutral impact in the street scene when considered against the existing heritage baseline in that part of the conservation area where there is already a number of single storey rear extensions. As such the character and appearance of the

conservation area would be preserved.

The loss of the original rear elevation at ground floor would represent less than substantial harm to the significance of the listed building and it is not considered there would be, as a private residential dwelling, a public benefit that would outweigh that harm.

There is no objection to the proposal subject to the part of the remaining rear elevation at ground floor level is retained in order to retain the legibility of the layout of the building and therefore its significance. This would effectively make the proposed extension a reversible operation which would preserve the special interest of the listed building as required by section 66(1) of the Planning (Listed buildings & Conservation Areas) Act 1990.

Natural stone and slate samples should be submitted for approval before any development commences.

The original plans have been revised from removal of the original rear wall to retaining it with a doorway connecting the extension to the main house which is acceptable.

The proposed development would therefore comply with the principles of the NPPF.

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 the expiration of three years beginning with the date of this permission.
Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 This decision relates to drawings -
Location plan JB1-00;
Existing plans and elevations JB1-01A
Proposed plans and elevations JB1-02E
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 and Places for Everyone Joint Development Plan listed.
- 3 Details/Samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy

DELEGATED REPORT

EN1/2 - Townscape and Built Design and EN2/3 - Listed Buildings

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	27/2/25		