

DELEGATED REPORT

Report by Tom Beirne	Date of report: 20/10/2023	Ref: 70060/FUL
Registration: 07/09/2023	LDFC: 13/10/2023	Expiry Date: 02/11/2023
Site Visit: 26/09/2023	Site Notice: 19/09/2023	Press Date: 21/09/2023
Objections: 0	Con Area: HOLC	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Alterations to existing rear hall and bathroom; replacement of walk-in bay window to front elevation; and replacement of glazing in bay window to front elevation and in first floor window to side elevation.

Location: 4 Emerald Cottages, Boothwood Stile, Ramsbottom, Bury, BL8 4NE

Description

The application relates to a two storey end terraced house in a row of three similar properties. Single storey outrigger at the rear. The house is not listed but has historical value with Holcombe Village Conservation Area, adjacent to the public bridleway (26RAM) running along Holcombe Old Road. Currently there is a vehicular access into the rear yard through double gates from Holcombe Old Road.

The proposal is to replace the existing walk-in bay window to front elevation and replacement of timber framed glazing in bay window to front elevation and in first floor window to side elevation. At the rear there would be replacement of patio doors and addition of 'conservation' rooflights over single storey outrigger.

Relevant Planning History

67971 - Relocation of existing gated access and re-building of existing boundary wall to allow for off street parking within residential curtilage - Approve with Conditions 09/03/2022
05/0323 - Building work - Application received.

Publicity

Immediate neighbours notified by letter dated 18/09/2023. Site and press notices posted 19th and 21 September respectively. No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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. 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.

Policy - EN2/2 relates to conservation areas and states conservation area control development within a Conservation Area will only be acceptable if it preserves or enhances the special character or appearance of the area. In considering proposals for development in Conservation Areas, regard will be had to the following criteria : the nature of the development in terms of its bulk, height, materials, colour, design and detailing; the relationship between the proposed development and the architectural and visual qualities of the surrounding area ; where demolition is proposed, the contribution of any proposed new building to the character or appearance of the area as compared to the building to be demolished ; in the case of the re-use of buildings or the introduction of new uses, the impact of the proposal on the character or appearance of the area and the fabric of the existing building.

Visual amenity and Heritage - The application is accompanied by a heritage statement.

The statement recognises the historic relevance of Holcombe Old Road, the Park Horse route, linking Brandlesholme, Summerseat to Moor Road and then over to Helmshore. The route links some of the oldest parts of the ward and is a significant historical asset. It is therefore understood that historical values are evident, therefore this development should be done in a sensitive manner to enhance the area rather than detract to limit any impact of the heritage asset.

The proposed materials (render to the wall and timber framed windows) would match the existing finishes to create a cohesive overall appearance and be sympathetic with the existing house and the adjacent properties. New areas of infill external walling will be rendered to match the existing rendered walls. The existing stone flagged roof is to be carefully removed and re-used with new 'Velux' conservation rooflights. New windows and doors will be timber framed with double glazed units in keeping with the existing windows.

Overall, the proposal has limited impact on the external aesthetic of the dwelling, which is further mitigated by the restricted angles at which, and distance from which, the proposal can be seen from outside of the site boundary.

The proposed alterations are relatively minor and considered to be acceptable in terms of design and appearance. The proposal would not impact significantly on the property and would preserve and enhance the character of the Conservation area in which the site is located. The proposal is acceptable and complies with the NPPF and UDP Policies H2/3 and EN2/1 and EN2/2 relating to conservation areas and guidance in SPD6.

Residential amenity - Given the nature and modest scale of the alterations, there would be no significant impact on the immediate neighbour. Complies with UDP Policy H2/3 and guidance in SPD6 this respect.

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 2307/01, 02, 03 and 10 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 UDP Policy EN1/1 Visual amenity.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	20/10/2023		