

**DELEGATED REPORT**

**Report by** Steven Gunn  
Russell

**Date of report:** 17/05/2022

**Ref:**68138/FUL

**Registration:** 09/03/2022

**LDfC:** 22/04/2022

**Expiry Date:** 04/05/2022

**Site Visit:** 23/03/2022

**Site Notice:** 01/04/2022

**Press Date:** 24/03/2022

**Objections:** 0

**Con Area:** RAMS

**Adv Type:** CA

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Front elevation vellux window to be resized to match the existing rear, existing rear store to be demolished and to be re-built of stone construction with synthetic roof slate.

**Location:** 2 Major Street, Ramsbottom, Bury, BL0 9JH

**Description**

The application relates to a two-storey end terraced house on a residential street of similar properties within Ramsbottom Conservation Area. There is a rear outrigger, back yard, and small detached timber storeroom which may have been an original coal store associated with the main house. The attached neighbour is as originally built. The rear boundary comprises a stone wall already approximately 2.3m high along the section where the extension is proposed.

Planning permission is sought for a single-storey extension that would be built entirely within the footprint of the existing storeroom and have a monopitch roof. This would provide a ground floor toilet with access via the main house. Materials would match existing.

The proposal includes a new vellux rooflight to the front roof elevation matching the existing rooflight at the rear providing natural light to an attic studio.

**Relevant Planning History**

None.

**Publicity**

Immediate neighbours notified by letter dated 17/03/2022 and 31/03//10/2022 sent to 3 (three) neighbours. Site notice posted on 01/04/2022 and a press notice was published in the Bury Times on 24/03/2022. No representations were received.

**Statutory/Non-Statutory Consultations**

Conservation Officer - No objections.

**Pre-start Conditions**

N/A

**Unitary Development Plan and Policies**

NPPF National Planning Policy Framework

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

|       |                                 |
|-------|---------------------------------|
| EN1/2 | Townscape and Built Design      |
| EN2/1 | Character of Conservation Areas |
| EN2/2 | Conservation Area Control       |

## **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** - UDP policy EN2/1 Character of Conservation Areas, and EN2/2 Conservation Area Control, require that development proposals should preserve or enhance the conservation area. It is considered that this proposed development would represent an improvement due to the demolition of the existing timber UPVC finished structure which is

not in keeping with the area, and for the proposed design to match the existing stonework in colour and size with synthetic roof slate. Similarly there are no concerns regarding the proposed additional rooflight given its relatively small size and the fact it would match an existing rooflight. It is considered that the proposed development would have a less than significant harm on the surrounding conservation area.

**Visual amenity** - UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of scale, design, and appearance the extension is generally in-keeping with the existing house. Situated at the rear, the extension would not be readily visible from the public arena except for the side street, while its design and scale is considered to be appropriate for this property and streetscene. Materials would match existing. Additionally, it is considered that the proposed additional vellux rooflight would match the existing rooflight on the rear elevation.

In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

**Residential amenity** - UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

In terms of overlooking and privacy to the rear, the zero-separation distance to the rear boundary from the extension is considered to be acceptable given there are no habitable windows and therefore complies with adopted guidance in SPD6.

The extension is acceptable in relation to the attached neighbour as it complies with the '45-degree rule' within SPD6. Although there are no new windows proposed for the new toilet although this is considered to be acceptable given this is a non-habitable room.

In terms of the general prominence and impact on daylight the extension is set off the shared side boundary and is to the west of the main house. Overshadowing it not considered to be an issue.

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

**Highways** - No changes proposed.

**Conclusion** - In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy EN2/1, EN2/2, and H2/3 with associated guidance in SPD6.

**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 JCBD-22-259 - 2. Rev00 and JCBD-22-259 - 3. Rev00 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> |
| SGR                 | 17/05/2022  |                         |             |