

Description

The application relates to Davenport Farm which is a large detached residential dwelling house and accompanying gardens and outbuildings. The property sits within a substantial plot set back on the eastern side of Arthur Lane, opposite Arthur Lane Nursery.

The site is occupied by a Grade II listed building, a former traditional barn, that is attached to, and incorporated into the farmhouse. The garden space for the main house is located to the south of the main dwelling. A red brick outbuilding last used as an annexe is located to the east of the listed building.

The land rises up from Arthur Lane in an easterly direction. At a higher level than the main dwelling, is the application building. This was converted from a double garage, approved under application 22294/89. This building is positioned approximately 5.2m from the east facing gable of the house and is orientated at 90 degrees to the listed building. It is built of brick under a slate roof and, has approximate dimensions of 7 metres by 6.3 metres. It has a glazed lean-to measuring 3 metres by 5.8 metres.

To the north of the application site lies an adjacent property, Davenport Mews, which is a large, detached dwelling. It is separated from the northern site boundary by a driveway which also provides an access to gates located to the north and east of the application site. The neighbouring property presents a gable elevation to the application site which contains habitable windows at first and second floor level.

There are open fields to the east of the application site and there are residential dwellings to the west and south.

The site is located within the boroughs Green Belt and on land allocated as being a Special Landscape Area, as defined on the Proposals Maps associated with Bury Unitary Development Plan.

Permission is sought to demolish the existing detached annexe, approved as a double garage at the time permission was granted to re-build the house (cottage) and convert the barn to form the dwelling present on the site today, and to demolish a shed, and erect replacement annexe accommodation.

The proposed annexe would be located partly on the site of the existing annexe extending eastwards across the northern boundary of the application site. It would be single storey with its roof profile running east to west.

Overall, the annexe would be 13m in length, with its longest elevation proposed along the northern elevation of the site. At its widest, on its west elevation, the annexe is proposed to be approximately 7.37m, with the eastern elevation proposed to be 4.8m. A glazed lobby area is proposed off the south elevation of the building projecting from the south elevation by approximately 2m and off the buildings return by approximately 3.8m. The annexe is proposed to have a floor area of 17.7m² and a volume of 225.8m³. The walls of the main part of the annexe are to be stone with the western end of the annexe to be clad in zinc on the south and east elevations. The roof is proposed to be slate. Two rooflights are located in both the north and south facing roofslopes, these would each be approximately 1m wide x 0.5m wide and would have 3 panes of glass.

The internal arrangements are designed to provide one bedroom annex accommodation suitable for an aging occupant and include provision for disabled/wheelchair access.

Relevant Planning History

52470 - Conversion of outbuilding into double garage with first floor studio over including raising ridge height by 1.5m - Refused, 17/06/2010

52734 - Listed building consent for structural repairs to front entrance - Approved with Conditions, 10/08/2010

52743 - Detached single storey orangery building - Approved with Conditions, 06/08/2010

41918/04 – New swimming pool extension to existing granny flat, demolition of timber shed and erection of new workshop/garage and summer house. Refused - Appeal dismissed, 09/03/2004

41917/04 - Listed Building Consent: New swimming pool extension to existing granny flat, demolition of timber shed and erection of new workshop/garage and summer house. Withdrawn, 02/02/2004.

22294/89 - Rebuild Cottage and convert attached barn to form 1 dwelling- Approved with Conditions, 16/03/1989 - The detached double garage was approved as part of this application.

22295/89 - Listed Building Consent - Rebuild Cottage and convert attached barn to form 1 dwelling- Approved with Conditions, 16/03/1989

21617/88 - Conversion of part of barn to form dwelling - Approved with Conditions, 12/12/1998

21918/88 - Listed Building Consent: Demolition and rebuild cottage, alteration of central barn and repair of main barn - Approved, 15/12/1988

Publicity

The application has been advertised as affecting the setting of a listed building by both Press Notice and Site Notice.

One representation has been received raising the following concerns/ objections:

- Asserts 4 Cherry Trees have been removed and questions whether they should have protection under being within the curtilage of a listed building.
- Challenges the qualifications of the author of the submitted Heritage Assessment and the assertions made within it relating to the listed building.
- Asserts the proposal is inappropriate development in the Green Belt, as per advice given by the LPA at pre-app stage relating to a different proposal, albeit relating to creating annexe accommodation.
- Raises concerns over whether the proposal would be a co-dependant annexe due to the extent of the kitchen work surface area, the size of the wet room and two privately fenced seating areas, and the separate access proposed.
- Asserts this is an application for a single independent dwelling house in the Green Belt and points out that a separate access could be created through the existing gates on to the private lane shared with 12 Arthur Lane.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections

Greater Manchester Ecology Unit - No objections, subject to inclusion of informatives and a condition requiring biodiversity mitigation and enhancement measures.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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.

Analysis

Principle of Development

Sites Location in the Green Belt

The application site falls within the Green Belt as identified on the Bury Unitary Development Plan (UDP) Adopted Policies Map.

The National Planning Policy Framework (NPPF), herein referred to as 'the Framework' concerns itself with, amongst other things, development on Green Belt land. At paragraph

137 it states:

"The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 147 of the Framework states: *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*

Paragraph 149 of the Framework goes on to state: *"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include, amongst other things;*

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces"; and

g) the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development."

Assessment as a replacement building

This exception requires assessment of whether the new building is materially larger than the one to be replaced. As set out above there is no national definition of what constitutes "materially larger". The Councils own interpretation is set out in SPD 8 which specifies that volume (up to a third larger) as well as massing, siting, area, footprint, and height are all relevant factors which will combine to form an assessment.

Case law has also identified that it is appropriate to look at a variety of factors to form the above assessment including comparable floorspace, volume, height, and footprint of development. As a result, the following table provides this comparative assessment of the existing versus proposed Annexe Accommodation.

	Davenport Farm existing annex and buildings.	Davenport Farm Replacement annex	Difference
Floorspace GIFA (m2)	64.5	71.7	+11%
Volume (m3)	203.6	225.8	+11%
Footprint GEFA (m2)	74.9	86.1	+15%
Eaves Height (m)	2.6	2.6	No change
Ridge Height (m)	4.78	4.32	-460mm

Table 1: Existing vs Proposed Comparatives.

The above figures identify the proposed annex would be only slightly larger than the one it replaces in respect of GIFA floorspace and volume (11% increase) and therefore significantly less than the third (33%) threshold set out within SPD8.

The building would be slightly lower in overall ridge height. It is submitted that these dimensions clearly identify that the proposal is not a materially larger building than the one it replaces. In addition, it should also be noted that the proposal also occupies the same use, siting and location as the existing building.

On this basis the proposal is therefore not considered to represent inappropriate development in the Green Belt and therefore would comply with NPPF paragraph 149 d). As the development would accord with the requirements of paragraph 149 d) and is therefore considered to be acceptable in principle.

The submitted Planning Statement asserts that the proposal also complies with the exception under para. 149 g) and refers to advice given at pre-application stage relating to different proposals which sought to excavate a basement area beneath the existing annexe building. As the LPA are considering this proposal and it would extend for a longer area along the northern boundary of the site than the existing annexe, the LPA consider exception g) within paragraph 149 is not applicable in this case

Supplementary Family Annexes

Supplementary Planning Document (SPD) 6: 'Alterations and Extensions to Residential Properties' (January 2020) advises family annexes will be considered on the individual merits of each scheme and should normally be physically connected to the main property, remain ancillary to the original dwelling at all times; not have separate vehicular access; only have one bedroom; and be appropriate in scale and position in relation to the plot and

original dwelling. It also states that regard should be had to the general advice with SPD6.

The existing annexe building meets all except one of the above-mentioned requirements due to being detached from the main house, albeit by approximately 8m metres, with its lean to glazed extension being approximately 5m from the west facing gable of the house. The proposed annexe would also be detached and its western elevation would remain within 8m of the west facing gable of the house. The area of the glazed extension returning to the patio on which the current annexe is sited.

Whilst the representation raises concerns that the existing double gates on to the lane owned by Davenport Mews, 12 Arthur Lane, would provide a separate access to the annexe, these gates are in situ, and were in situ at times the LPA have historically visited the site and the access on to the private access lane, are presently used and has historically been used by the applicant. In addition, the annexe would be in the same ownership as the host property, share water and electricity supplies and pedestrian and vehicular access and be well related to the host property. For example a bedroom window is proposed on the western elevation of the annexe which is within 8m of windows serving ground floor habitable rooms within the farmhouse. The annexe would not have been designed this way if the applicants were going to use it as a standalone dwelling. Nevertheless, to ensure the annexe remains as annexe accommodation, a planning condition restricting the use of the building to annexe accommodation for Davenport Farm is recommended, should the application be approved. Such a condition is usually for annexe proposals and would be enforceable if the need arises.

Impact on Designated Heritage Assets and their Settings

An important planning consideration is the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). 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.

Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and, where necessary, a field evaluation. Such an assessment accompanies this application.

Paragraph 199 of the NPPF states 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 200 of the NPPF states that any harm to the significance of a heritage asset should require clear and convincing justification. Substantial harm to grade II* listed buildings should be wholly exceptional.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to a designated heritage asset this harm should be weighed against the public benefits of the proposal including wear appropriate, securing its optimum viable use.

At a local level, UDP Policies EN2 and EN2/3 seek to safeguard listed building and their setting. They follow the protection accorded by the Act and the NPPF.

For the avoidance of doubt, despite the assertion within the submitted Heritage Assessment that the building may not be worthy of being listed today, the building is Grade II listed and is on the National Heritage List for England. Historic England in its listing description have stated the main reasons for listing the property are the buildings' age, setting and context.

The representation received asserts Listed Building Consent should be required. Officers confirm Listed Building Consent is not required for the proposed development as the proposal is not for the demolition, extension or alteration to a listed building.

The proposed building is within the setting of the listed barn and would replace an existing annex building constructed of red brick with a slate roof which appears to have been constructed following approval of applications 22294/89 and 22295/89 which granted it consent.

Although the proposal would have larger footprint than the existing annexe, Officer consider that it would relate better to the listed barn by virtue of its linear form, orientation, size, scale and materials without representing a pastiche of the barn than the existing annexe/ former double garage which conflicts with the primarily stone elevations of the house and Grade II listed barn due to its 90 degree orientation to the house (including the barn) and its red brick materials, which contrast with the stone frontage and rear elevations of Davenport Farm.

The proposal would not materially alter the setting of the barn or how the barn is experienced from the public realm, primarily from . It would not be materially more visually dominant than the building it would replace and would not challenge it architecturally. Therefore there would not be an unacceptable impact on the setting of the listed barn and therefore the proposed development would not cause any loss of significance to the listed building or its setting, as it is noticeably less harmful to its setting. As such the significance of the listed barn would be sustained. On this basis, the proposal would not represent less than substantial harm, requiring the justification of public benefits (paragraph 202 of the National Planning Policy Framework) and therefore on this basis the proposal accords with the requirements of Section 12 of the NPPF.

Landscape Character and Visual Amenity

The application site is located in a Special Landscape Area of the West Pennine Moors. UDP Policies EN9/1: 'Special Landscape Areas' and OL7/2: 'West Pennine Moors' are therefore relevant. Both policies require a high standard of design, siting and landscaping. Similarly the NPPF requires good design, with paragraph 134 stating development that is not well designed should be refused.

Davenport Farm is a historic traditional stone farmhouse and barn which are attached and in line having a linear plan form.

This rising land to the east will limit the visual impact of the proposed development when viewing the site from Public Rights of Way located due west and south of the site. There are limited views of the site due to the presence of boundary hedging along the roadside boundaries of the enquiry site and neighbouring properties. The upper portion of the existing annexe is visible from the driveway to 12 Arthur Lane located to the north of the application site. The brick of the existing annexe building and its orientation at 90 degrees to Davenport Farm house, conflicts with the linear plan form of the house and barn. Its red brick materials also conflict with the north and south facing elevations, although it does match in with the brick on the re-built west (north-west) facing gable of the house,

mentioned in the list description.

The proposed annexe would be orientated to follow the same orientation of the house and listed barn. Its height, scale and massing would appear subordinate to the listed building. Its materials of stone and slate would be wholly sympathetic to the farmhouse/ listed building. To ensure sympathetic and suitable materials are used in the construction of the building a planning condition requiring samples of all materials and a sample panel of the stonework to ensure it compliments the farmhouse and listed building is recommended.

Notwithstanding the above, the use of UPVC windows and doors is proposed. Officers consider that the use of UPVC on this annexe would appear incongruous and discordant to the timber windows present on the Grade II listed barn and the farmhouse and the traditional materials of these buildings and would detract from the quality of the proposed annexe. A condition is recommended to secure the use of timber windows and doors.

Subject to the recommended planning conditions, the building is considered to be well designed, sensitive and subordinate to the listed building, and would not cause any harm to the setting of the listed building or detract from the landscape character of this locality or visual amenity. The proposal is therefore considered to accord with UDP Policies EN9/1: 'Special Landscape Areas' and OL7/2: 'West Pennine Moors'.

Impact upon residential amenity and the amenity of future occupiers

UDP Policy H2/3 - Extensions and Alterations requires regard to be had on the amenity of adjacent properties. Paragraph 130 of the NPPF states decisions should ensure that developments create a high standard of amenity for existing and future user.

The nearest residential dwelling is 12 Arthur Lane, also known as 'Davenport Mews', is located to the north of the application site at a slightly higher level than the application site. Windows serving habitable rooms at both ground and first floors exist on the gable of this neighbouring property (which lies at 90 degrees to Davenport Farm house and barn. These windows are within approximately 8.6 metres of the existing and proposed annexe.

In respect of overlooking and loss of privacy, as existing, two windows are present in the northern elevation of the existing annexe which directly overlook the windows in the gable end of 12 Arthur Lane. This proposal seeks to remove any clear glazed windows from the north facing elevation of the proposed annexe, and instead proposes 5 obscure glazed apertures. The removal of the windows directly overlooking the windows on the gable end of 12 Arthur Lane is considered to be a benefit to the occupants of the neighbouring property. To protect the amenity of this neighbour, to prevent any overlooking occurring from the proposed apertures, a condition is recommended to ensure that these window apertures are indeed obscure glazed, as they are noted on the submitted plans, and remain as such in perpetuity.

The proposed building, orientated in a north-south direction, would increase in its width and massing over and above the existing annexe despite having the same eaves height of the existing annexe and being approximately 0.45m below the existing ridge. However, given it would extend along the shared boundary of the site up to and partly over the footprint of an existing shed to be removed, the increase in massing and the slight increase in the height of the shed and would only be approximately 0.30 higher than the existing shed, would not cause demonstrable harm to the amenity of this neighbouring property and its occupiers.

With regards the amenity of future occupiers of the proposed annexe, the proposed annexe is of a size to meet the needs of the aging occupants of Davenport Farm and the bedroom and bathroom are above the minimum standards promoted by the National prescribed Space Standards and thus provides a suitable level of accommodation to accommodate two occupants.

Overall, the proposal would provide future occupiers with an acceptable standard of living for any age of occupant. The proposed annexe would also not cause demonstrable harm to the amenity of the occupiers of 12 Arthur Lane. The proposal therefore accords with the requirements of Policy H2/3 of the Unitary Development Plan, SPD 6 and the National Planning Policy Framework.

Access, Parking and Highway Safety

The proposed development would be an annexe to the existing property. The existing driveway and parking area for Davenport Farm would not be compromised by this proposal with both the driveway from Arthur Lane being retained. There are thus no highway safety issues raised from the Highway Authority, and thus the proposals are acceptable on access, parking and highway safety grounds.

Biodiversity

UDP Policy EN6/3 seeks to ensure that development does not adversely affect biodiversity. Section 15 of the NPPF seeks to ensure planning decisions contribute to and enhance the environment by, amongst other things, minimising impacts on and providing net gains for biodiversity.

The application is supported by a Preliminary Roost Assessment carried out by Gritstone Ecology. This has assessed both the existing annexe and shed for signs of bat activity. No signs of bat activity was noted in either of the buildings proposed to be demolished and replaced. On this basis, the proposal is considered to accord with the above-mentioned local and national policies.

Conclusion

Overall, the proposal is considered to enhance the setting of the listed building and therefore subject to the recommended planning conditions it is recommended that the application be approved.