

DELEGATED REPORT

Report by Tom Beirne	Date of report: 21/08/2024	Ref: 70909/FUL
Registration: 04/07/2024	LDFC: 20/08/2024	Expiry Date: 29/08/2024
Site Visit: 30/07/2024	Site Notice: 30/07/2024	Press Date: 18/07/2024
Objections: 0	Con Area: N/A	Adv Type: ALB
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing rear conservatory and replace with single storey rear summer house. Replacement of existing timber window frames with high performance windows; Repairs to front entrance doorway surround; Reduce levels to external path to side of property.
Location: 108 Manchester Road, Bury, BL9 0TH

Description

The application relates to a two storey mid-terraced residential property on the west side of Manchester Road. The property is part of a group of three early 19th Century grade 2 listed properties.

The application seeks permission to replace the existing detached outbuilding/conservatory with a proposed new summer house with sheltered pergola at the rear of the property. The proposal also includes the replacement of like for like windows to the main house and repairs to the entrance door surround.

The primary need for the proposed works arises from the need to repair those parts of the property that are dilapidated and upgrade to modern standards whilst retaining their traditional character.

The application is submitted with an application for Listed Building Consent (70910).

Relevant Planning History

70910 - Listed building consent for proposed demolition of existing rear conservatory and replacement with single storey rear summer house. Replacement of existing timber window frames with high performance windows. Repairs to moulding to front entrance doorway surround and reduced levels to external path to side of property. -

Publicity

Immediate neighbours notified by letter dated 12/07/2024. Site and press notices posted.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection in principle. Conditions relating to details.

Pre-start Conditions - N/A

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), 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 - The application is accompanied by a heritage statement. The statement concludes that there is a very low level of 'less than substantial harm because of the proposed works, although this will be outweighed by the enhancement that will derive from the following:

- Loss of the visually harmful existing detached outbuilding which has become dilapidated.
- Replacement of like for like windows constructed to modern standards and increasing air tightness and cold bridging within the dwelling.

The statement considers that as the harm is outweighed by the proposed enhancements, the proposal accord with paragraphs 199 - 202 of National Planning Policy Framework. The proposed works to the external fabric of the building are to be replaced with like for like elements or more appropriate examples.

The demolition and erection of the proposed summer house is to the rear of the property and as such this Heritage Statement therefore concluded that there will be no impact or effect on surrounding designated and non-designated heritage assets within the local area.

The conservation officer has no objection to the proposal in principle and suggests conditions relating to window details.

The proposal would retain and enhance the listed property and improve its appearance within the streetscape and as such it is acceptable and complies with the NPPF and UDP heritage and conservation policies EN2/3 Listed Buildings and related guidance.

Visual amenity - In terms of visual amenity, the works to the entrance door and surround, replacement of worn and damaged windows would improve the appearance and retain the character of the building within the streetscape. The demolition of the existing dilapidated conservatory and the replacement with a new outbuilding/summerhouse would not be viewed from the public realm but would in any case represent an improvement over the existing situation. The proposal is acceptable in terms of visual amenity and complies with UDP Policies EN1/2 Townscape and Built design, H2/3 and guidance document 6 relating to extensions and alterations.

Residential amenity - Given the modest nature of the proposal, there are no residential amenity issues arising. The new outbuilding is on the shared boundary with No.106 Manchester Road but in the same location and at only 250mm higher than the existing outbuilding along the boundary. As such there is no detrimental impact on the neighbour. The proposal is acceptable and complies with UDP Policy H2/3 and 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 R-0799-01, 11 and 20 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 Before installation, an example of the new windows, shall be made available to view on site and approved by the Local Planning Authority. Only the approved windows shall be installed.
Reason. In order to preserve the special architectural or historic interest of the

building pursuant to the NPPF and UDP Policy H2/3 Listed Buildings.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
TB -	21/08/2024	HL -	21/08/2024