

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 20/01/2025	Ref: 71362/FUL
Registration: 02/12/2024	LDfC: 23/12/2024	Expiry Date: 27/01/2025
Site Visit: 05/12/2024	Site Notice: 05/12/2024	Press Date: 05/12/2024
Objections: 0	Con Area: SUMM	Adv Type: CA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of part of dwelling (Class C3) to mixed use of Dwelling (Class C3) and holiday let at first floor (Sui Generis) including elevation changes to front elevation

Location: 13 Higher Summerseat, Summerseat, Ramsbottom, Bury, BL0 9UG

Description

The application relates to a detached stone built dwelling which is located within the Summerseat Conservation Area. The property has previously been extended 2 storey at the side which provides a double garage and bedroom, with a single storey extension at the rear.

The site is within a residential setting with houses on both sides, to the rear and opposite.

The application seeks a change of use of part of the dwelling to create a one bed holiday let with works proposed to changes to the front elevation.

Internally at the ground floor, the garage would be reduced to a single garage which would be separated from a lobby to provide stairs and an access to the first floor where the existing bedroom would be maintained. The existing landing and a further bedroom would be converted to a living room and kitchenette.

Externally, the double garage to the holiday let would be made smaller and a separate doorway inserted to provide access to the holiday let.

Relevant Planning History

62116 - Single storey extension at rear - Approve with Conditions 15/12/2017

Publicity

Letters sent on 2/12/24 to 7 adjacent properties.

Site notice posted 5/12/24

Press advert 5/12/24

No responses received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection

Traffic Section - No objection subject to condition

Waste Management - No comments received

Pre-start Conditions - Not relevant

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
HT2/4	Car Parking and New Development
RT4/3	Visitor Accommodation
JP-C2	Digital Connectivity
JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
JP-P2	Heritage
EN7/2	Noise Pollution

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.

Layout and external alterations and impacts

Internal works would be relatively minimal and would comprise a reduction in the size of the garage to a single garage with the remaining area converted to a lobby for the entranceway and stairs to the first floor. A bedroom and landing would be converted to a living room and kitchenette and the bedroom over the garage retained.

The holiday let would be completely self contained with its own access.

The garage door would be made smaller and a newly created access door would be formed to access the flat.

Works would be minimal and it is considered there would not be a significant impact on the visual amenity of the area.

The occupation of the holiday let would still be of a residential nature and character and given the relatively small scale development it is considered that impacts on neighbours would not be significant.

The proposed development would therefore accord with policies EN1/2 and EN7/2.

Parking

The dwelling currently provides a double garage and driveway parking for 2 cars.

The proposed development would reduce the amount of parking to provision for 3 cars - a single garage (resident) and double driveway (resident space and dedicated holiday let space) which has been annotated on the site plan.

Overall, there would be a loss of one parking space. However, the proposed conversion would essentially result in the loss of one bedroom (and thereon potentially the loss of a car driver/owner) to provide the living room and whilst there may be a couple or two people accommodated within the holiday let at one time, it would be more than likely that they would arrive together in one car.

The Highway Authority have raised no objection subject to the parking being provided prior to the first use of the development.

As such, it is considered the proposed development would comply with Policies EN1/2 and HT2/4.

Conservation issues

The site is in the Summerseat Conservation Area and the applicant has submitted a Heritage Statement in line with para 207 of the NPPF which states that*'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'*.

The proposed works would provide a new internal annexe to create a lettable space. External works to reduce the size of the garage door and provide a pedestrian doorway are considered minimal and not intrusive to cause harm to the Conservation Area and the internal accommodation, whilst a lettable space and separate from the dwelling would still be of a residential character.

It is therefore considered there would not be a detrimental impact on the significance of the Conservation Area and the development would accord with policies EN2/1, EN2/2 and the principles of the NPPF.

Carbon and energy - PfE Policy JP-S2 and Digital connectivity- PfE Policy JP-C2.

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The proposal would not demand any additional digital connectivity than is already provided and the conversion works would include carbon savings such as insulation.

Given the scale and character of development it is considered there would not be any further requirements.

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 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 -
Proposed floor plans and elevations 24/659.02 rev B
Revised block plan with parking layout 17Qu SLP A
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 The dedicated holiday let and resident car parking indicated on the approved plans shall be made available for use prior to the use hereby approved commencing and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	20/1/25	DM	20/01/25