

DELEGATED REPORT

Report by Amanda

Date of report: 21/10/2022

Ref:68154/FUL

Uhunmwagho

Registration: 04/04/2022

LDFC: 26/05/2022

Expiry Date: 30/05/2022

Site Visit: 12/05/2022

Site Notice: N/A

Press Date: 12/05/2022

Objections: 0

Con Area: HOLC

Adv Type: CA

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Removal of summer house and hard landscaping. Construction of a home office / garden room and patio.

Location: Tower View, Lumb Carr Road, Ramsbottom, Bury, BL8 4NN

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Description

The application site is located to the west of Lumb Carr Road and is within the Holcombe Village Conservation Area and the Green Belt. The site covers a large area of land with the main dwelling positioned to the centre, with garden areas to all sides. The main dwelling has been previously extended and there is a detached garage/annex to the north side. To the southern end of the garden there is a detached outbuilding.

There are residential properties to the west of the application site, which front onto Holcombe Old Road. These properties are located on a much higher level than the main dwelling of Tower View. There are also residential properties located to the east of the site and there is open land to the south of site.

The proposal is to replace the existing detached outbuilding to the south of the garden with a new building that would be used as a home office and garden room. The building would measure 4m x 5m with a canopy at the front overhanging by 1m and the roof would be hipped. It would measure 2.55m to the eaves and would have an overall height of 3.55m.

The building would be constructed with a steel frame clad with timber externally and the roof would be finished with natural slates. The doors and windows would be aluminium and the patio area would be constructed using reclaimed stone flags.

Relevant Planning History

50777 - DEMOLITION OF PORCH, HALLWAY & BATHROOM ON NORTH ELEVATION AND CONSERVATORY ON SOUTH ELEVATION. TWO STOREY EXTENSION TO NORTH ELEVATION; TWO STOREY CONSERVATORY TO SOUTH ELEVATION; ERECTION OF DETACHED GARAGE - Approve with Conditions 30/01/2009

50778 - DEMOLITION OF ENTRANCE PORCH, HALLWAY AND FIRST FLOOR BATHROOM TO NORTH ELEVATION AND SINGLE STOREY CONSERVATORY TO SOUTH ELEVATION. - Approve with Conditions 30/01/2009

55152 - Two storey extension to north west elevation; Two storey conservatory to south elevation; Two storey garage with first floor store - Approve with Conditions 28/06/2012

55153 - Conservation area consent for demolition of porch, larder, hall and bathroom on north west elevation, conservatory and central stair walls on south elevation and detached double garage - Approve with Conditions 28/06/2012

55629 - Demolition of porch, larder, hall and bathroom on the north western elevation and replacement with new two storey extension. Demolition of conservatory and central stair walls on the south elevation, and replacement with a new two storey conservatory to include lantern light. Demolition of existing detached double garage and replacement with new

double garage with first floor store. (Amendment to 55152). - Approve with Conditions 19/10/2012

55630 - Conservation area consent for the demolition of porch, larder, hall and bathroom on the north western elevation and replacement with new two storey extension. Demolition of conservatory and central stair walls on the south elevation, and replacement with a new two storey conservatory to include lantern light. Demolition of existing detached double garage and replacement with new double garage with first floor store. (Amendment to 55153) - Approve with Conditions 19/10/2012

56866 - Demolition of detached double garage and replace with new annex comprising double garage with living accommodation on part of ground floor and at first floor - Approve with Conditions 20/12/2013

56867 - Demolition of detached double garage and replacement with new annex comprising double garage, with living accommodation on part of the ground floor and at first floor. - Withdrawn - Invalid 28/10/2013

58678 - Demolition of existing brick out-building and erection of stone out-building to contain a gymnasium - Approve with Conditions 24/07/2015

15/0069 - Erection of fence - 23/02/2015

17/0344 - Erection of fence - 11/09/2017

Publicity

Neighbours notified on 04/05/2022 - No comments or objections received.

Site noticed erected on 12/05/2022.

Press advert - 12/05/2022.

Statutory/Non-Statutory Consultations

Conservation Officer - Comments from the conservation officer were received on 16/06/2022 and following their comments being received they have had some discussion with the agent regards the proposed building and revised plans were submitted in July.

After further comments received from the conservation officer the agent provided further revised plans in September. Although no further comments have been received from the conservation officer to date the agent has addressed their concerns with the submission of further revised plans on 20/09/2022.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

OL1	Green Belt
OL7/2	West Pennine Moors
EN9/1	Special Landscape Areas
EN2/2	Conservation Area Control
NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity and the impact of the development on the designated Green Belt and surrounding conservation area.

Principle (Green Belt)

Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate

additions over and above the size of the original building;
d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
e) limited infilling in villages;
f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
g) limited infilling or 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; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages as set out under Policy OL1/3.

This is further supported by Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt which state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling. To assist in what can be considered to be disproportionate SPD 8 considers additions of up to a third (33%). However, that is not to say something larger, or smaller than 33%, would not be supported as each case is considered on its own merits.

In the heritage statement the agent has included some assessment regards the potential impact of the replacement summer house. They have advised that the current structure has a volume of 20.8m³ and the proposed building would have a volume of 45.2m³. They have stated that although this would be a large increase in size the fact that the building would be relocated further back on to the site (away from the southern boundary), to a more discreet position within the existing trees and shrubs would outweigh its increase in size. When assessing the impact of the new summer house they have also taken in to consideration the overall development that has already been undertaken to the main dwelling and other structures around the main house.

The summer house would be positioned a fair distance from the main dwelling, towards the southern site boundary. It is noted that the building would be considerably larger than the existing summer house but given the fact that it would be positioned further back on to the site and at a lower level, with existing trees and other foliage to the side it would be no more visible from Lumb Carr Road to the south east side than the existing building is now.

The proposed timber finish would be a common feature often used in the construction of residential outbuildings. In terms of the design the proposed building would add a more modern feature to the garden at Tower View. However, this would be more in-keeping with the main dwelling on site.

The proposed site is an established residential property within a ribbon of residential properties. As such, the proposal would not conflict with the surrounding land uses nor would it create harm to the openness of the Green Belt given the above circumstances. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt and therefore it is considered that the proposal complies with UDP Policies OL1/2, SPD8 and the NPPF.

Visual Amenity and Conservation Area -

The site is situated within the Holcombe Village conservation area. The property is not a

listed building and is not considered to be a non-designated heritage asset (NDHA), neither is it in close proximity to any listed buildings or NDHAs.

The main dwelling on site has been previously extended and had some modern features added to the rear elevation which overlooks the garden where the outbuilding would be constructed. The agent had direct conversation with the Council's conservation officer and made changes to the proposed plans based on their discussion. Since receipt of the latest revised plans dated 20/09/2022 there have been no further comments received from the conservation officer. Given that the agent appears to have addressed the conservation officer's concerns it is considered that the design of the proposal is considered acceptable in this location and the proposal would not cause any harm to the character of the Holcombe Village Conservation Area. As such it does comply with Bury UDP Policies EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and paragraphs 192-194 and 196-197 of the NPPF.

The proposal also conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

The new outbuilding would be positioned around 13.2m away from the southern boundary which overlooks a small field. This would be approximately 4.5m further away from the boundary than the existing summer house is now. With this in mind and that the new building would be built on a lower ground level there would not be any concerns regarding overlooking of the land to the south as well as neighbouring properties to the east and west of the site.

Given that the building would be built to the southern side of the rear garden on site there would be no impact on parking within the site.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

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 drawing numbered SU4-01 received on 01/03/2022, drawing numbered SU4-04 received on 04/04/2022, drawing numbered SU4-05A received on 10/07/2022, drawing numbered SU4-02B received on 12/09/2022 and drawings

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numbered SU4-03C and SU4-06C received on 20/09/2022 as modified by the emails from PPY Design Ltd on the dates stated. The development shall not be carried out except in accordance with the details hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

- 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>
AU - 21/10/2022			