

DELEGATED REPORT

Report by Mo Warsame	Date of report: 19/12/2023	Ref: 70186/FUL
Registration: 20/10/2023	LDfC: 01/12/2023	Expiry Date: 15/12/2023
Site Visit: 30/12/1899	Site Notice: N/A	Press Date: 09/11/2023
00:00:59		
Objections: 0	Con Area: SUMM	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Build up walls of existing single storey rear extension with replacement flat roof with glass lantern and alterations to windows/doors with new window opening to side elevation

Location: 120 Railway Street, Summerseat, Ramsbottom, Bury, BL9 5QD

Description

The proposal relates to a end of terraced stone cottage located within the Summerseat Conservation Area and Greater Manchester Green Belt. The adjoining dwelling to the side has been extended at ground floor.

The proposal is for the construction of walls of existing single storey rear extension with replacement flat roof with glass lantern, along with the alterations to windows/doors and new window opening to side elevation.

The development would accommodate a new dining area and a wet room on the ground floor. The proposed development would be to rear and utilise the use of matching materials.

Relevant Planning History

69252 - Build up walls of existing single storey rear extension with replacement flat roof with glass lantern; Alterations to windows/doors and new window opening to side elevation and Dormer and new rooflight at rear

- Refuse/Refused 13/04/2023

69644 - Build up walls of existing single storey rear extension with replacement flat roof with glass lantern; Alterations to windows/doors and new window opening to side elevation and Dormer and new rooflight at rear

- Refuse/Refused 10/07/2023

05/0277 - ERECTION OF DORMER IN CONSERVATION AREA - 30/07/2006

Publicity

Neighbour letter sent. No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer

Comments

- No objection.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN9/1	Special Landscape Areas
OL1	Green Belt
OL5/2	Development in River Valleys
EN2/2	Conservation Area Control
EN6/4	Wildlife Links and Corridors
H2/3	Extensions and Alterations
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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Principle (Greenbelt)

Paragraphs 143 and 144 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 145 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- buildings for agriculture and forestry;
- provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation;
- extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;
- replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages;
- limited affordable housing for community needs under policies set out in the development plan (including policies for rural exceptions sites); and
- 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.

The proposal is for the existing roof over the ground floor extension to be replaced with a new flat roof construction within the footprint of the existing structure along with external alterations such as proposed windows and doors.

The subject property falls within an urbanised area of the Green Belt, surrounded by built form. The proposed development would increase from 43.2m³ to 43.3m³. This would amount to 0.1 additional cubic metres and equate to 0.04% increase.

Therefore, the proposed development would not have any adverse impact upon the openness of the Green Belt or on visual amenity and the proposed development would comply with the above UDP policies and the NPPF.

Visual Amenity and Conservation Area

Section 72 of the Town and Country Planning Listed Building and Conservation Act impose a duty of care onto the LPA to preserve or enhance the character of Conservation Areas. UDP Policies EN2/1 and EN2/2 reflect this requirement and are consistent with NPPF. LPAs should take into consideration the desirability of sustaining and enhancing heritage assets, and the positive contribution these heritage assets can make. Any new development is required to make a neutral or positive contribution to local character and distinctiveness.

The dwellinghouse is not listed and is not considered to be a Non-Designated Heritage Asset (NDHA).

The application site is within Summerseat Conservation Area.

Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 202 of the National Planning Policy Framework (NPPF) states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

This application is a re-submission of 69644. However, this proposal does not involve the proposed dormer under last application. The dormer was too bulky and dominant as it was higher than the existing ridge of the main roof. As such, if approved it would have been visible from the street scene. This would have detracted from the character and appearance of the Summerseat Conservation Area.

In terms of the new proposal, there is no Article 4 Direction in force in Summerseat Conservation Area removing householder permitted development rights. As such the addition in the side elevation at ground floor of a new window opening, new rainwater goods and an additional rooflight (subject to roof projection limitation) would be permitted development. The alterations to the roof of the existing single storey rear elevation are considered acceptable. The addition of the lantern is considered to have minimal impact visually by virtue of its siting at ground floor level.

The proposal would comply with Section 72(1) of The Planning (Listed Building and Conservation Areas) Act 1990, paragraph 202 of the NPPF and Bury UDP adopted policies EN2/1 – Character of Conservation Areas and EN2/2 – Conservation Area Control.

Residential amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed single storey extension would not extend beyond the 45 degrees from the neighbouring ground floor habitable room windows.
- There are no properties to rear of the site.
- All proposed works would be located to the rear of the dwelling and will not be visible from Railway Street, subsequently negating any adverse effect on the existing street scene.
- The proposed side window on the existing dwelling would be conditioned to be obscure

glazed as indicated on the proposed plans.

Given the above, the proposal would have no unacceptable impacts upon neighbouring amenity and is compliant with the above UDP Policies and SPD.

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 Dwg No. 001, Dwg No. 002, Dwg No. 1000, Dwg No. 1010 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.
- 4 Before the first occupation of the extension hereby permitted proposed window at the side of the existing dwelling shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
MW	19/12/2023	DM	19/12/23