

DELEGATED REPORT

Report by Tom Beirne	Date of report: 07/06/2023	Ref: 69551/FUL
Registration: 12/04/2023	LDFC: 15/05/2023	Expiry Date: 07/06/2023
Site Visit: 23/05/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Variation of condition no. 2 (approved plans) of planning permission 67925: Change to glazed roof, cottage walls, rooflights and solar panels

Location: Top O Th Brow, Two Brooks Lane, Tottington, Bury, BL8 4LA

Description

The application relates to a detached stone built farmhouse in a woodland area between Ainsworth and Tottington. The site is within the Green Belt/River Valley, West Pennine Moors and is a Special Landscape Area. The house, together with the detached garage is an NDHA although there has been no detailed assessment of the property. The property is currently rather run down with a single storey extension on the front. The outbuilding to the side is vacant and derelict.

The original scheme, approved in March 2022 under ref 67925, sought to add a single storey timber clad extension to the rear of the house and demolish and rebuild the outbuilding in stone and timber with a glazed link to the main dwelling.

Since the approval, a number of changes have occurred to the scheme based on the development of the detailed construction drawings including in-depth calculations to bring the property to Passivhaus standards. The amendments to the scheme are:

1. Change to the glazed link roof

During the energy modelling, the results indicated the energy requirement to heat the glazed link in the winter, and the overheating in the summer would not meet Passivhaus standards. Therefore, the design has been revised to include a solid roof construction with a grey standing seam metal finish. This will ensure the design intent is maintained to create a contrast between the house and cottage.

2. Cottage Walls

The thermal specification has been confirmed by the Passivhaus consultant for the re-built cottage walls which have increased the wall thickness by 185mm. To reduce the impact on the internal floor area the North, South and West wall footprints have been increased by 100mm.

3. Rooflights and solar panels

The solar panels and rooflights have been slightly altered on the existing house, as per the specification provided by the Passivhaus consultant. 1 additional solar panel has been included and the rooflight sizes have been reduced.

Relevant Planning History

02665/E - Demolition of porch and lean-to extensions and construction of single storey rear extension with balcony, rebuild of adjacent cottage and connected to main house via a glazed link - Enquiry completed 02/12/2021

67925 - Demolition of single storey extensions to front and rear of main house and cottage. Erection of single storey rear extension with roof terrace. Erection of two storey annexe with two storey link extension to connect to main house. Creation of terrace at first floor level to the annexe. Installation of solar panels to front roof plane. - Approve with Conditions
16/03/2022

Publicity

Immediate neighbour notified by letter dated 24/04/2023. No objection received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/3	Extensions and Alterations
EN1/1	Visual Amenity
SPD6	Supplementary Planning Document 6: Alterations & Extensions

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 revised scheme does not have an impact on Policies and guidance which are copied over from the previous application.

National Planning Policy Framework (NPPF) and central government guidance - The NPPF sets out central government's planning advice. It indicates that there is a presumption in favour of sustainable development and that development should be approved unless there are adverse impacts which outweigh the benefits or specific policies which indicate development should be restricted.

As the site is within residential use the principle of extending in the form of an extension and annex is acceptable subject to various criteria – design, siting massing etc.

UDP Policy and guidance - OL1/2 New Buildings in the Green Belt. The construction of new buildings inside the Green

Belt is inappropriate development, unless it is for one or more of the following purposes:

- a) agriculture and forestry (except where permitted development rights have been withdrawn);
- b) essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of Green Belt and which do not conflict with the purposes of including land in it;
- c) 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, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- d) limited infilling in existing villages as set out under Policy OL1/3.

OL5/2 - Development in River Valleys. Within the River Valleys, new buildings or the change of use of existing buildings or the change of use of land will not be permitted. The only exceptions considered acceptable will be those where the development would not lead to the division of the open parts of the valleys into sections and it falls within the terms below:

- a) where the area is designated as Green Belt the established Green Belt policies will apply; or
- b) where the area does not form part of the Green Belt, at least one of the following circumstances is met:
 - i) that the development represents limited infilling to an established valley settlement or industrial area;
 - ii) that it is an extension to, or renewal of an existing industry, where the economic and employment factors are of overriding importance;
 - iii) that the development is required in association with an outdoor recreation or appropriate tourist facility;
 - iv) that the development is limited and will form part of, and be essential to, the maintenance of the provision and improvement of public services and utilities;
 - v) any other development that would be appropriate in a Green Belt.

OL7/2 - West Pennine Moors. Throughout the area of the West Pennine Moors, as defined

on the Proposals Map, the Council will control development and manage recreational activity and public access, so as to reduce any possible detrimental effects these may have on the important character of the area. In considering proposals for development particular regard will be had to the effect on the following:

- a) agriculture and forestry;
- b) water catchment;
- c) settlements;
- d) landscape character;
- e) ecological and geological features;
- f) archaeological and historic features.

EN1/1 - Visual Amenity. Development will not be permitted where proposals would have a detrimental effect on:

- a) public views of prominent or important buildings, especially those in areas of architectural or historic interest;
- b) the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

EN9/1 - Special Landscape Areas. In those areas identified on the Proposals Map as Special Landscape Areas, any development which is permitted will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas.

H2/3 Extensions and Alterations. Applications for house extensions and alterations will be considered with regard to the following factors:

- a) the size, shape, design and external appearance of the proposal;
- b) the character of the property in question and the surrounding area;
- c) the amenity of adjacent properties;
- d) visibility for pedestrians, cyclists and drivers of motor vehicles.

Impact on the Green Belt – The percentage increase in additional volume over and above the existing house and outbuildings is less than 30% and in line with guidance both within the NPPF and UDP policy and guidance.

The site is relatively remote and well screened as it is enclosed by mature woodland and sits fairly comfortably within the site on a similar footprint to the existing buildings. As such the proposal would not have a significantly greater impact on the openness of the Green Belt than the existing buildings and is considered to be acceptable in principle in light of Green Belt Policy and guidance.

Design, Appearance and Heritage - The building has been included on the draft local list but has not been assessed with regard to its inclusion on the list. It is considered the building derives its heritage significance from its value in its age and as an example of a rural dwelling in the vernacular form and materials.

The NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposed additions/extensions previously approved, whilst giving the property a more modern feel with the glazing and timber cladding, are not so dominant that they would detract from the character and appearance of the existing house and surroundings. The front extension would be removed and frontage restored back to the natural stone, thereby taking the front elevation back to its original form. The new single storey extension, clad in

timber with a flat roof/balcony above contrasts with the more traditional dwellinghouse but it is at the rear where views from the public arena are more limited. In design terms the finish to the extension relates to the outbuilding and the surrounding wooded area.

The proposed change to the link roof material, the grey standing seam metal finish would improve energy efficiency without affecting the appearance significantly. As such it is considered the revised proposal would not have an adverse impact on the legibility of the building as rural dwellinghouse, therefore would not cause harm to its significance. The proposal is acceptable in terms of visual amenity and heritage and complies with the NPPF and UDP Policies EN1/1 Visual amenity and H2/3 Alterations and Extensions and associated SPD6.

Residential amenity - As there are no neighbours in the immediate vicinity, there are no residential amenity issues arising from the proposal. As such the proposal complies with UDP policy H2/3 and SPD6 with regard to residential amenity.

Access and Parking - The access to the site remains unaltered as does the parking on the frontage for at least three cars. This is acceptable and complies with UDP Policy H2/3 and SPD6 relating to alterations and extensions.

Trees - The development does not have an impact on surrounding trees.

Energy Efficiency - The revised scheme with the changes to some of the finishing materials would increase energy efficiency and move the scheme more in line with Passivhaus standards.

The revised development would modernise the existing property, improve energy efficiency and would not have a detrimental impact on visual or residential amenity and would comply with the NPPF and UDP Policies.

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 from 15 March 2022
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to existing drawings numbered 01-07 and proposed drawings 0-8B, 09B, 10B, 11B and 12B 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 Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.

DELEGATED REPORT

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	07/06/2023	HL	07/06/23