

DELEGATED REPORT

Report by Mo Warsame	Date of report: 19/12/2024	Ref: 70854/LBC
Registration: 14/06/2024	LDfC: 10/07/2024	Expiry Date: 09/08/2024
Site Visit: 16/08/2024	Site Notice: N/A	Press Date: 27/06/2024
16:00:00		
Objections: 0	Con Area: MOUN	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed building consent for single storey rear extension

Location: 46 Mount Pleasant, Nangreaves, Bury, BL9 6SR

Description

The property is a Grade II listed building and is located within a terraced row of residential properties, which are constructed from coursed stone and natural slate. The property is also located within a Mount Pleasant Conservation area and the green belt. The properties have a front and rear garden, which are both accessed by a footpath. There is off-road parking provided in a central area to the south east of the application site.

The proposal involves the erection of a single storey rear extension with two Velux type conservation rooflights in the rear roof slope. The rear extension would project 2.9m to the rear and it would have a sloped pitched roof. The proposal would facilitate a dining room and the current external wall, door and window openings at ground floor level would be retained.

Relevant Planning History

02931/E - Single storey rear extension to listed building - Enquiry completed 22/02/2024
63366 - Listed building consent for insertion of conservation rooflights within a loft conversion - Approve with Conditions 30/11/2018
70855 - Single storey rear extension -
18/0202 - Single storey extension and loft - 20/07/2018

Publicity

Neighbour letters sent - No objections received.
Conservation Officer - No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer
Listed buildings - National Amenity Societies

Pre-start Conditions

N/A

Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN9/1	Special Landscape Areas
OL1	Green Belt
H2/3	Extensions and Alterations
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), 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.

Listed Building/ Conservation Area

The national legislative framework for development affecting listed buildings and conservation areas and listed buildings is provided by the Planning (Listed Buildings and

Conservation Areas) Act 1990. This sets out the duty on local planning authorities to have regard to listed buildings and any buildings or land within a conservation area, when determining applications for planning permission. It is essential that these legal duties are considered, alongside the contents of the NPPF and other planning policies and guidance.

The Town and Country Planning (Listed Building and Conservation Area) Act 1990 imposes a duty under Section 72 on Local Planning Authorities to pay 'special attention to the desirability of preserving or enhancing the character or appearance of that area' (section 72(1)) and s66 in terms of the duties imposed upon LPA's in exercising its special functions on listed buildings.

Paragraph 131 of the NPPF states that when determining planning applications, Local Planning Authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make sustainable communities including their economic vitality;

the desirability of new development making a positive contribution to local character and distinctiveness.

Although the village was built in phases it was constructed to a standard pattern and followed rules of function and uniformity. Consequently, the buildings have regular shapes and groupings, sizes and proportions of openings, and common features and detail, all of which reflect its factory village origins. During construction there was no attempt at elaboration. Although the architecture is plain it has a colour, rhythm and quality that should not be lost. This was a key factor in creating the distinctiveness of the conservation area and one that should be uppermost in addressing the area's future".

Traditional materials and details are proposed and the proposed extension is similar to others that have been approved in recent years within this street such as No.50. The works would not involve the loss of the ground floor part of the rear elevation including the door and window openings. The proposed roof-light may be necessary as a result of retaining in-situ the rear walls, although this should be a low level/conservation type roof-light.

Paragraph 202 of the 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.

Overall, the proposed extension will have a level of historicism in its design that gives an acknowledgement to the, setting, materials of the original dwelling. As such, it is considered that the proposal would not cause harm to the setting or the host property and as such it would preserve the character and would not cause a loss of its significance.

Therefore, the proposal would comply with Bury UDP adopted policies EN2/3 - Listed Buildings, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and EN1/1 - Visual Amenity.

Visual Amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed development would be located on the rear elevation and has been designed so as to complement the existing dwelling in terms of height, form and scale. There are

other examples of similar development on other properties on the terrace row and it is considered that the proposed development would not look out of place within the locality, subject to conditional control. It is considered that as the proposed development would retain the external wall and existing openings, that it would not have an adverse impact upon the character of the listed building or the conservation area. The proposed development would project some 2.9 metres, which would be in accordance with the guidance in SPD6. The proposed development would not have an adverse impact upon the amenity of the neighbouring dwellings.

Moreover, the proposed development would not impact upon parking provision at the property, which is considered to be adequate. Therefore, the proposed development is in accordance with Policies EN1/1, EN1/2, EN2/1, EN2/2, EN2/3 and H2/3 of the adopted Unitary Development Plan and SPD6.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- There would be no impact in terms of overlooking and privacy to the rear and there would be sufficient distance to the rear boundary and no properties beyond.
- There would be no proposed side windows facing the adjacent neighbour.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary, at which point the 45° rule would be applied. However, the proposed extension would only project of 2.9m to the rear and would therefore be considered acceptable.
- Currently the neighbouring property No. 47 use the rear garden of the application site to take out their bins. It is accessed via a gate on the side. The proposed extension would completely block or close off this access. However, this would not warrant a refusal as this is a private land and there is no public right of way in place.

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 Paragraphs 186-187 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 This decision relates to revised plans and elevations showing no encroachment - Dwg no: 01, Dwg no: 02 Rev B, Dwg no: 03, Dwg no: 04 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 policies of the Bury Unitary Development Plan listed below.

- 4 Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 5 Prior to the commencement of the development, a specification for the roof lights shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	19/12/2024	HL	19/12/2024