

DELEGATED REPORT

Report by Tom Beirne	Date of report: 20/12/2024	Ref: 71337/LBC
Registration: 08/11/2024	LDfC: 20/12/2024	Expiry Date: 03/01/2025
Site Visit: 10/12/2024	Site Notice: N/A	Press Date: 28/11/2024
Objections: 0	Con Area: N/A	Adv Type: ALB
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed building consent for replacement of existing sections of flat roof with pitched roof

Location: Bast House Cottage, 335 Manchester Road, Ramsbottom, Bury, BL9 5LZ

Description

The application relates to a detached two storey stone built house between Bast House to the north west and a group of former agricultural buildings in the process of residential conversion. The property is a grade two listed building dating from the early 18th Century.

The proposal involves adding a new section of pitched roof over two small sections of flat roof on either side of the pitched roof that extends back off the main roof. This would be done by creating a new section of pitched roof behind the main roof. The ridge would be lower than the main roof at the front and the same height of the roof at the rear. The roof would be finished in slate to match the main roof.

Relevant Planning History

48281 - Listed building consent for replacement of brick and rough cast with natural stone; rear porch; rain cover canopy; and new windows in replacement stone work - Approve with Conditions 15/08/2007

71336 - Replacement of existing sections of flat roof with pitched roof -

Publicity

Immediate neighbours notified by letter dated 22/11/2024. Press notice and site notices posted. No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer - No Objection.

Pre-start Conditions - N/A

Development Plan and Policies

H2/3	Extensions and Alterations
EN1/1	Visual Amenity
EN2/3	Listed Buildings
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework
PfE	Places for Everyone

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 PpE 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.

Policy and Guidance - The NPPF Section 16 of the NPPF relates specifically to conservation and heritage.

Most relevant UDP Policies are 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.

UDP Policy EN2/3 Listed Buildings indicates that the Council will actively safeguard the

character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features. Proposals for demolition will be opposed and will only be considered where it is demonstrated conclusively that the building(s) cannot be retained.

In considering applications for Listed Building Consent, the Council will have regard to the following criteria:

- a) the impact of the proposal on the historic fabric of the building;
- b) the relationship of any extension to the Listed Building in terms of its height, size, design, and roofscape;
- c) the need to protect the setting of the Listed Building;
- d) the impact of associated ancillary facilities and infrastructure works.

S66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) requires Local Planning Authorities to consider the desirability for the preservation and enhancement of conservation areas and listed buildings including their setting.

The setting of a listed building is often an essential feature of its character; unsympathetic development in close proximity to a Listed Building can mar its appearance, make its future use unattractive or untenable, or physically damage its structure. It is therefore important to consider the effect that a proposed development may have on such buildings.

Visual Amenity and Heritage - In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The NPPF in paragraph 131, states that Local Planning Authorities, in determining planning applications, should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets;
- the contribution conservation of heritage makes to communities and their economic vitality;
- the contribution new development makes to local character and distinctiveness.

In terms of the appearance of the building within the wider landscape, is set amongst a group of buildings recently subject to conversion and redevelopment. The area of roof subject to this proposal is not prominent and the replacement of the flat roof with a pitched roof would improve the building and would not have an impact on the character of the building or its setting. It is noted that there is no objection from the conservation officer.

Visual amenity - The proposed small area of new pitched roof is set behind the main roof and not readily viewed. With the flat roof sections added at a later date to the original house, they are rather out of keeping and the new pitched roof would be more appropriate to the property. As such the proposal would preserve and enhance the listed building and would not have a significant impact on its character and appearance. The proposal would be acceptable and comply with UDP Policy EN1/1 Visual amenity and H2/3 Listed Buildings.

Residential amenity - Given the nature of the proposal and the modest scale, there are no residential amenity issues arising. In terms of residential amenity, the proposal is acceptable and complies with UDP Policy H2/3 and SPD6 Extensions and Alterations.

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 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 drawings numbered 20234/04/01, 02, 03 and 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 the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 The external finishing materials and all rainwater goods relating to the new section of roof shall match those of the existing roof.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/1 Visual amenity and EN2/3 Listed Buildings.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
TB	20/12/24	DM	20/12/24