

Description

The site relates to a former barn/agricultural building and is located in a rural area within the Green Belt and an Area of Special Landscape, with the surrounding area characterised by open land and fields. The other nearest neighbouring properties are Nos 55 Bradley Fold Road to the north and Titus Cottage which is located to the south of the development site. There are other farm type development and houses scattered around the area.

The barn/agricultural building was granted planning permission in 2019 for conversion to a separate single dwelling to be set within its own curtilage. The scheme was subsequently revised (ref 68002) to include a rear dormer with materials for the externality specified as a dark grey/black zinc cladding and anthracite grey window frames, which were secured by condition.

This application seeks to amend the materials which were previously approved and now seeks to use black kingspan cladding for the external elevations and black window frames.

The application has been submitted as a variation of condition application, to vary condition 2 (approved plans) and condition 14 (materials).

Relevant Planning History

46091 - Detached double garage - Approve with Conditions 24/05/2006

48778 - First floor extension at rear - Approve with Conditions 03/12/2007

63964 - Prior approval for a proposed change of use of agricultural building to a dwellinghouse - refused 14/5/2019.

64326 - Conversion of existing building to 1 no. dwelling - Approved 15/10/2019.

68002 - Conversion of existing building to 1 no. dwelling including dormer on the rear - approved 20/4/22

Publicity

Letters sent to 3 properties on 7/7/23.

Site notice posted 7/7/23.

No comments received.

This application was initially submitted with the proposal to use a Merlin grey kingspan clad type with cream k-rend to the porch walls which the neighbours were consulted on.

During the application process, the applicant subsequently changed the colour of the kingspan clad to propose black kingspan for the whole building.

It is considered the change to the proposed colour would not be material to warrant re-notification of the neighbouring properties as it would not fundamentally alter the character of the development. For all intents and purposes the proposed external colour - black - would be the same as the originally approved application.

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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 principle of the barn conversion and associated development has been established as acceptable in principle by the grant of planning permission refs 64326 and 68002.

The issue under consideration is whether the proposed change to materials would result in impacts on the character of the development for the barn conversion and impacts on the wider visual amenity.

Visual amenity

The original application proposed a black zinc panelling material to be used for the external elevations, dormer and roof of the barn. This approach has been taken to other similar type of conversions in the Green Belt as it is considered that the dark material would be less perceptible and have less of a visual impact. From views outside the site and further away,

the building would maintain a barn type appearance.

As a darker colour, anthracite grey window frames were considered to be acceptable.

Whilst it is now proposed to change to a black kingspan material which would have a different finish to a zinc clad, it is considered the change would be relatively minimal and not overly perceptible and it is considered the appearance and character of the barn conversion development would not be fundamentally or harmfully altered.

The proposal to use black window frames would blend with the cladding materials and considered acceptable, and again black framed openings are often found on traditional type barns in rural locations.

It is therefore considered that the proposed amendments to the materials would be acceptable and comply with policies EN1/2, H2/1, OL1/4 and SPD9.