

DELEGATED REPORT

Report by Tom Beirne	Date of report: 11/04/2023	Ref: 69344/FUL
Registration: 22/02/2023	LDFC: 24/03/2023	Expiry Date: 19/04/2023
Site Visit: 04/04/2023	Site Notice: 14/03/2023	Press Date: 02/03/2023
Objections: 0	Con Area: HOLC	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: HOUS

Proposal: Demolition of existing garage and Erection of two storey outbuilding with external staircase for use as garage/office

Location: Hey House, 1 Moorbottom Road, Ramsbottom, Bury, BL8 4NS

Description

The double garage with a footprint approximately 6m by 6m, is within the garden of Hey House, a grade 2* listed building, close to the entrance gate. The site is within Holcombe Conservation Area and is also within a Special Landscape Area and the West Pennine Moors. The garage is constructed in blockwork with a flat roof. It is set down behind the stone boundary wall and has no heritage value, indeed its presence rather detracts from the setting of the listed building.

The proposal is to demolish the garage and rebuild on a similar footprint with additional space in a raised roof. The new pitched roof would be 4.3m with an eaves at 3.2m. It would be finished in stone to match the house. Pedestrian access would be via an external timber staircase at the rear and new patio doors (grey UPVC). There would also be a new window above the sectional garage door on the front elevation.

The supporting statement indicates that the previous scheme, to extend and convert the existing garage, was approved in November 2022. However trial holes made through the existing garage floor show there to be no foundation, only a slab floor. As the previous scheme cannot be built, it is proposed to demolish and rebuild the garage along the lines of the previous approval.

Relevant Planning History

18/0227 - Garden wall on verge of collapse and fronting public right of way - 25/02/2019
21/0380 - Unauthorised works being carried out to listed building - 03/10/2022
68864 - First floor extension above existing garage with external staircase - Approved 25/11/2022

Publicity

Immediate neighbours notified by letter dated 22/02/2022. Site notice posted 14/03/2023 and press notice dated 02/03/2023. No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN1/2	Townscape and Built Design
EN2/3	Listed Buildings

EN1/1 Visual Amenity
H2/3 Extensions and Alterations

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.

Visual Amenity and Heritage

The existing garage is in poor condition and currently detracts from the setting of the listed building as one enters through the main gate. The replacement garage with its increased roof height of 4.3m would not be so dissimilar in scale to the existing building. The walls would be finished in a natural stone with a slate roof to match the main house and be an improvement over the existing. At a distance of just over 20 metres from Hey House, with

mature landscaping in between, the impact of the extended garage with its stone/slate finish would improve the setting of the listed building. A condition on details of the stone finish is also considered to be reasonable in the interests of visual amenity.

The proposal in terms of heritage would preserve and enhance the setting of the listed building within the Conservation Area. The conservation officer has no objections to the scheme which complies with Section 16 of the NPPF and UDP Policies EN2/1 and EN2/2.

Residential Amenity - Given the siting and modest scale of the new building, there are no issues with regard to residential amenity arising from the proposal. As such the proposal is acceptable in terms of Policy H2/3 and guidance in SPD6 as regards residential amenity.

Energy Efficiency - As with the previous scheme, an electric vehicle charging point is to be installed inside the garage, concealed from view.

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 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 PR1-00, 01A, PR1-02 and PR1-03 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 of the stone 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. Only the approved materials/bricks shall be used for the construction of the development.
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	11/04/2023	DM	13/04/23