

DELEGATED REPORT

Report by Tom Beirne	Date of report: 28/03/2024	Ref: 70405/FUL
Registration: 01/03/2024	LDfC: 25/03/2024	Expiry Date: 26/04/2024
Site Visit: 26/03/2024	Site Notice: 12/03/2024	Press Date: 07/03/2024
Objections: 0	Con Area:	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing single storey side extension; Two storey side extension with glazed link to existing dwelling; Rooflights & new windows to side (east) elevation; Raised terrace and steps at rear

Location: Forest Cottage, Wood Road Lane, Summerseat, Bury, BL9 5PZ

Description

The application relates to a two storey stone built cottage within a large residential plot on the west side of Wood Road Lane, Lower Summerseat that includes a detached double garage and stable block. The cottage is on the Council's Draft Local List.

The site is in the Green Belt and an Urban Fringe Valley (PfE). Wood Road Lane is a Restricted Byway (165BUR). The site is surrounded by well treed countryside and is landscaped and set down from Wood Road Lane, behind a stone boundary wall. The River Irwell runs to the west of the site.

The proposals include the demolition of the existing single-storey extension, dated 1985, and the construction of a replacement two storey stone built extension with a slate roof, to match the existing cottage. There would be a narrow glazed section set in between the new build and original house to differential the original building from the extension. The extension would comprise utility, WC and plant room at ground floor and a new bedroom at first floor.

The small modern porch would be removed from the southern elevation and the window on the east side converted to a full height opening.

Relevant Planning History

70075 - Prior approval for proposed single storey rear extension - Prior Approval Required Refused - Ext 24/10/2023

70264 - Prior approval for proposed single storey rear extension - Prior Approval Not Required - Extension 20/12/2023

Publicity

Immediate neighbour notified by letter dated 04/03/2024. Press date 07/03/2024 and site notice posted 12/03/2024. No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection.

Public Rights of Way Officer - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

OL1/2 New Buildings in the Green Belt

OL5/2	Development in River Valleys
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Heritage - National planning policy in respect for the conservation of the historic

environment is set out in the National Planning Policy Framework (revised December 2023) (NPPF) and places the following requirements on applicants:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understanding the potential impact of the proposals on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

Although Forrest Cottage may have limited heritage value, notwithstanding this, the proposed extension and alterations are appropriately designed and would preserve the relative significance of Forrest Cottage.

The proposed development would remove the late C20th single-storey extension to the western gable of the cottage and replace it with a two-storey extension. The scale of the extension would be in keeping with character of the site but would adopt a more contemporary approach, articulated by a deeply recessed glazed bay that would differentiate the gabled element of the extension from the original house.

The proposed extension would be acceptable and preserve the character and distinctiveness of the building and site and respond to the site with a creative contextual design response that clearly articulates the historic development of the property with reference to the NPPF and Places for Everyone (PfE).

Green Belt, River Valley, Visual Amenity and Streetscape - Based on calculations of the ‘original dwelling’ and the size of the proposed extension, the volume increase is calculated to be 169.67m³, which represents a 33% increase over the ‘original dwelling’ volume and therefore complies with the NPPF and Green Belt Policy and guidance in this respect.

The development is modest in scale and positioned on the less prominent west elevation with boundary wall and planting along the eastern boundary to screen the building. There are Public Right of Way routes to the west (170BUR), and to the east (165BUR and 171BUR). However, because of the visual containment of the site on the western boundary, there are no views in or out of the site on both sides, and therefore, it is not considered that Green Belt openness in terms of views will not be adversely affected. Therefore, it is considered that the development is not a disproportionate addition, and this complies with UDP Policy OL1/2 and the Green Belt guidance.

In terms of design and visual amenity, the extension, on the far side of the house, would not be particularly prominent when viewed from the public arena. Notwithstanding this the extension and alterations are considered to be well designed and, finished in materials to match the existing house, would not have a detrimental impact on the existing site and surroundings. The proposal is acceptable and complies with UDP Policy H2/3 and SPD6 guidance relating to extensions and alterations.

Residential Amenity - The site is relatively isolated with the nearest neighbour more than 80m away to the west. Consequently there would be no impact on residential amenity of neighbours. The development complies with UDP Policy H2/3 and guidance in SPD6 relating to alterations and extensions.

Bats - A bat survey was submitted with the application and confirmed that bats are not using the building as a roost at the time of the surveys. It is considered that there will be no adverse impact on bats provided the recommendations below are followed:

- If works have not begun by July 2024, a further daytime assessment and or nocturnal

surveys may be required to assess how bats are using the site;

- Development should consider sensitive lighting be used to meet Bat Conservation Trust lighting guidance so not to cause detrimental effect to light sensitive species; and
- Habitat enhancement with the installation of a mixture of bird nest features and bat box attached to new buildings with the number of boxes to be determined upon finalised formal plans. The recommendations would be attached as informatives.

Access and Parking - The access and parking is unaffected by the proposal.

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 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 2-01-PP, 2-02-PP, 2-11-PP, 3-01-PP, 3-02-PP, 3-03-PP, 3-11-PP, 3-12-PP, 3-13-PP, 4-01-PP, 4-02-PP, 4-11-PP, 4-12-PP 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 The external finishing materials for the proposal hereby approved shall match those of the existing building.
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>
Tom Beirne	28/03/2024	DM	03/04/2024