

DELEGATED REPORT

Report by Mo Warsame	Date of report: 10/07/2023	Ref: 69644/FUL
Registration: 15/05/2023	LDfC: 15/06/2023	Expiry Date: 11/07/2023
Site Visit:	Site Notice: N/A	Press Date: 25/05/2023
Objections: 0	Con Area: SUMM	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Build up walls of existing single storey rear extension with replacement flat roof with glass lantern; Alterations to windows/doors and new window opening to side elevation and Dormer and new rooflight at rear

Location: 120 Railway Street, Summerseat, Ramsbottom, Bury, BL9 5QD

Description

The proposal relates to a end of terraced stone cottage located within the Summerseat Conservation Area and Greater Manchester Green Belt. The adjoining dwelling to the side have been extended at ground floor.

The proposal is for the construction of walls of existing single storey rear extension with replacement flat roof with glass lantern, along with the alterations to windows/doors and new window opening to side elevation and a pitched dormer to the rear.

The development would accommodate a new dining area and a wet room on the ground floor together with a dormer on the second floor facilitate a larger open plan attic space. The proposed development would be to rear and utilise the use of matching materials.

Relevant Planning History

69252 - Build up walls of existing single storey rear extension with replacement flat roof with glass lantern; Alterations to windows/doors and new window opening to side elevation and Dormer and new rooflight at rear

- Refuse/Refused 13/04/2023

05/0277 - Erection of a dormer to the rear - 30/07/2006

Publicity

Neighbour letters sent on 19/05/2023 and no objections received.

Statutory/Non-Statutory Consultations

Conservation Officer

Pre-start Conditions

N/A

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN9/1	Special Landscape Areas
OL1	Green Belt
OL5/2	Development in River Valleys
EN2/2	Conservation Area Control
EN6/4	Wildlife Links and Corridors

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt

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 Conservation Area

Section 72 of the Town and Country Planning Listed Building and Conservation Act impose a duty of care onto the LPA to preserve or enhance the character of Conservation Areas. UDP Policies EN2/1 and EN2/2 reflect this requirement and are consistent with NPPF. LPAs should take into consideration the desirability of sustaining and enhancing heritage

assets, and the positive contribution these heritage assets can make. Any new development is required to make a neutral or positive contribution to local character and distinctiveness.

The dwellinghouse is not listed and is not considered to be a Non-Designated Heritage Asset (NDHA).

The application site is within Summerseat Conservation Area.

Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 202 of the National Planning Policy Framework (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.

There is no Article 4 Direction in force in Summerseat Conservation Area removing householder permitted development rights. As such the addition in the side elevation at ground floor of a new window opening, new rainwater goods and an additional rooflight (subject to roof projection limitation) would be permitted development.

The alterations to the roof of the existing single storey rear elevation are considered acceptable. The addition of the lantern is considered to have minimal impact visually by virtue of its siting at ground floor level.

The re-submission 69644 does reduce the size and bulk of the proposed dormer submitted under 69252 by approximately 10%. The proposed dormer would still be higher than the existing ridge of the main roof of the dwellinghouse and would still cover approximately 60% of the roof slope area. The proposed reduction in the size of the proposed dormer would not remove the harm identified below to the character and appearance of the Summerseat Conservation Area.

It would still represent a severely over dominant feature on the dwellinghouse and in the roofscape along that part of Railway Street. It would represent an incongruous feature within that part of the conservation area. Most importantly, dormer roof extensions are not an architectural feature of the vernacular built form which characterises the conservation area and would be incongruous to the architectural grain of that part of the conservation area. Furthermore the applicant has not provided any visual impact assessment that the proposed dormer would not have visibility from public access areas and properties on Hall Street and from public footpath 96RAM.

As such the proposed dormer roof extension would lead to less than substantial harm to the significance of the conservation area and therefore would not preserve or enhance its character and appearance. As a private dwellinghouse there would no public benefit in the proposed dormer that would outweigh the harm that would be caused by it to the character and appearance of the conservation area. As such the proposed dormer cannot be supported in heritage conservation terms. The proposal would be contrary to Section 72(1) of The Planning (Listed Building and Conservation Areas) Act 1990, paragraph 202 of the NPPF and Bury UDP adopted policies EN2/1 – Character of Conservation Areas and EN2/2 – Conservation Area Control.

Residential amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed single storey extension would not extend beyond the 45 degrees from the neighbouring ground floor habitable room windows.
- There are no properties to rear of the site.
- All proposed works would be located to the rear of the dwelling and will not be visible from Railway Street, subsequently negating any adverse effect on the existing street scene.
- Both ground floor roof works and second floor dormer construction would sit within the existing dwelling footprint

Given the above, the proposal would have no additional unacceptable impacts upon neighbouring amenity and is compliant with the above UDP Policies and SPD.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed dormer, by reason of its size and design, would be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	10/07/2023		