

DELEGATED REPORT

Report by Mo Warsame	Date of report: 13/04/2023	Ref: 69252/FUL
Registration: 03/02/2023	LDFC: 17/04/2023	Expiry Date: 31/03/2023
Site Visit: 02/03/2023	Site Notice: 24/03/2023	Press Date: 09/02/2023
11:00:00		
Objections: 0	Con Area: SUMM	Adv Type: CA
Reason for Delay:		EIA: NA
N/A		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 Dormer and new rooflight at 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. All of the proposed development would be to rear and utilise the use of matching materials.

Relevant Planning History

05/0277 - ERECTION OF DORMER IN CONSERVATION AREA - 30/07/2006

Publicity

Neighbour letters sent on 06/02/2023. No objections recieved.

Statutory/Non-Statutory Consultations

Conservation Officer

Pre-start Conditions

N/A

Unitary Development Plan and Policies

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.

ANALYSIS

The salient considerations are:

- Impact on the openness of the Green Belt
- Impact of the proposal on the character and appearance of the Conservation area
- Impact on residential amenity

Impact on the openness of the Green Belt and visual amenity

UDP Policy OL1/2 and SPD 8 state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling and this is reflected in the NPPF. SPD 6 and UDP Policy H2/3 seek to achieve a high standard of

design that complements the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The subject property falls within an urbanised area of the Green Belt, surrounded by built form. The proposed development would amount to around 62.1 additional cubic metres. This would equate to 22.2% increase.

The rear of the terrace to which the subject property pertains is enclosed by neighbouring buildings and is not visible from any public vantage points. Neighbouring dwellings to the side have also been extended with similar development.

Therefore, the proposed development would not have any adverse impact upon the openness of the Green Belt or on visual amenity and the proposed development would comply with the above UDP policies and the NPPF.

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.

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 addition of the lantern is considered to have minimal impact visually by virtue of its siting at ground floor level. However, the proposed dormer roof extension would be higher than the existing ridge of the dwellinghouse and cover 70% of the roof slope area. And according to the conservation officer, it would 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 the conservation area, roof dormers not being an architectural feature of the vernacular-built form which characterises the conservation area, that would be visible from public access areas and properties on Hall Street and from public footpath (96RAM).

As such the proposed dormer roof extension would lead to considerable 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 elements of the proposal which includes the build-up 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 would be considered acceptable

in this location and the proposal would at least preserve the character of the Summerseat Conservation Area and would complement the existing dwelling and terraced row. This part of the proposal would comply with the UDP Policies, SPD's and the NPPF.

However, the other element of the proposal which includes the proposed dormer roof extension would lead to 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 be 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 according to the conservation officer.

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 property 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.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	13/4/23	DM	13/4/23