

DELEGATED REPORT

Report by Mark Kilby	Date of report: 23/05/2022	Ref: 67918/LBC
Registration: 29/03/2022	LDFC: 06/05/2022	Expiry Date: 24/05/2022
Site Visit:	Site Notice: 14/04/2022	Press Date: 07/04/2022
Objections: 0	Con Area: N/A	Adv Type: ALB
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed building consent for removal of a 30 year old back boiler and gas fire in lounge; Removal of hot water cylinder and pipework; Installation new combi boiler in office/store room; External combi boiler flue to be situated on outside wall

Location: Flat 53, Charlton Court, Charlton Avenue, Prestwich, Manchester, M25 0BE

Description

The application relates to a residential first floor flat, No 53 Charlton Court, which is set within a Grade II Listed Building, circa 1866. It is of a Victorian Gothic style, 2.5 storeys in height, red bricked with stone lintels and noted for its Gothic heads under some of the windows. There are 2 external lampposts with globe lights in cast iron to the south of the building which are also listed.

The building forms part of a complex of newer residential buildings which are not listed and have been constructed around the original house at a later date.

The application is for the removal and replacement of a lounge fireplace with back boiler and hot water cylinder together with an external domestic round flue which would project out from the brick work approximately 150mm.

Relevant Planning History

67917 - External boiler flue to be situated on outside wall (north elevation) -

Publicity

Letter dated 4/4/22 to adjacent neighbours, press notice 7/4/22, site notice 14/4/22. On objections or comments received.

Statutory/Non-Statutory Consultations - None.

Pre-start Conditions -None.

Unitary Development Plan and Policies

EN2/3 Listed Buildings
NPPF National Planning Policy Framework

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.

Listed Buildings - Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The building derives its significance from its architectural merit and aesthetic being a good, largely unaltered example of a fine Victorian house in the Victorian Gothic Revival style. Internally the building has been heavily adapted to facilitate its conversion to residential flats.

The proposed replacement fire place, back boiler and hot water cylinder would not involve the loss of any historic fabric or adaptation that would involve the loss of historic fabric. The flue would have minimal visual impact on the special architectural interest of the building by virtue of size and its position at first floor level and is considered to be a reversible work in any event.

As such the proposal would not cause any harm to or loss of significance of the listed

building and as such the proposal would comply with adopted UDP policy EN2/3 - Listed Buildings and paragraphs 194, 195, 199, 200 of the National Planning Policy Framework.

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 the expiration of three years beginning with the date of this permission.
Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 This decision relates to drawings numbered 2201-001, 002, 003 and Heritage Statement dated January 2022 containing photographs of fire and back boiler and water cylinder to be removed 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	23/5/22		