

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 08/12/2022	Ref: 69042/LBC
Registration: 24/06/2022	LDFC: 02/12/2022	Expiry Date: 19/08/2022
Site Visit: 14/07/2022	Site Notice: 10/11/2022	Press Date: 10/11/2022
Objections: 0	Con Area: HOLC	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: LBAL

Proposal: Listed building consent for extension, alteration and remodelling of outbuildings to form a family annexe

Location: Higher House, Moor Road, Ramsbottom, Bury, BL8 4NX

Description

The proposal relates to a detached dwelling house located on Moor Road. The premises is Grade II Listed and is located in a prominent position within the street scene, and is clearly visible from Moor Road and Lumb Carr Road. The premises is a former public house and is one of 13 listed buildings within the Conservation Area.

The listing for the dwelling states that the building is an early 18th Century, 2 1/2 storey coursed rubble property with two later extensions and a 19th Century porch. The dwelling is an imposing 2 storey building with living accommodation in the roof space and a partial basement. It is built from traditional course stone, with ashlar masonry features including tall brick built gable chimneys covered by stone flags, stone quoins, stone cills, heads and jambs. In 1820 the building was extended with a 2 storey extension which has a plaque and date stone of 1820 on the north gable.

More modern additions have been added, including a double garage and courtyard area to the south that are accessed through double gates, which included the removal of part of the boundary wall that fronts Moor Road that was attached to the main dwelling house. The dwelling has also recently undergone refurbishment that included replacement windows, replacement/repair of stone work, replacement and repairs of the roof and chimneys, repointing, replacement flooring, replastering and general modernisation and redecoration.

No mention is made of the stone outbuilding fronting Moor Lane, however it is protected by being within the curtilage to the residential property. The supporting 'Combined Heritage and Design and Access Statement' considers that the outbuildings would have been used as a latrine, garden storage and carriage storage.

The outbuildings are formed around two small courtyards and on the west side built into the hillside. The main building fronts onto Moor Road, which is also a public right of way (PRoW), as a tall single-storey structure with mono pitched roof. They are formed in natural stone rubble walling with a series of mono-pitched stone slate roofs and parapet walls with stone copings.

A non-intrusive structural report highlights the poor structural condition of the outbuildings. The buildings are severely dilapidated, particularly the roofs.

The proposal is for the extension, alteration and remodelling of outbuildings to form a family annexe including a living area, en-suite bedroom and kitchen/dining space. The supporting 'Combined Heritage and Design and Access Statement' sets out the proposal in full and the application is further supported with a 'Statement of Significance'.

Since the original submission, the application has been amended to substitute the roof covering and rooflights.

Relevant Planning History

47577 - REFURBISHMENT OF EXISTING COTTAGE; DEMOLITION OF EXISTING GARAGE EXTENSION & EXTENSION AT REAR; CONVERSION OF BARN TO ADDITIONAL LIVING ACCOMMODATION; EXTENSIONS AT REAR; CONVERSION OF LOOSE BOXES TO GARAGE AND ALTERATIONS TO BOUNDARY AND RETAINING WALLS - Approve with Conditions 19/04/2007

47758 - LBC - CONSTRUCTION OF NEW DOUBLE GARAGE AND ALTERATIONS TO STONE BOUNDARY WALL TO FORM VEHICULAR ENTRANCE. - Approve with Conditions 01/05/2007

47775 - NEW GARAGE; ALTERATIONS TO BOUNDARY WALL - Approve with Conditions 01/05/2007

51485 - REFURBISHMENT OF EXISTING COTTAGE; DEMOLITION OF EXISTING GARAGE EXTENSION; CONVERSION OF BARN TO ADDITIONAL LIVING ACCOMODATION; EXTENSION AT REAR (REVISED SCHEME); CONVERSION OF LOOSE BOXES TO GARAGE AND ALTERATIONS TO BOUNDARY AND RETAINING WALLS. - Approve with Conditions 18/08/2009

52044 - APPLICATION FOR NON-MATERIAL AMENDMENT FOLLOWING GRANT OF PLANNING PERMISSION 47577 FOR OMISSION OF EXTENSION AND ADDITION OF CANOPY - Approve 29/12/2009

52265 - Non-material amendment for addition of door following grant of planning permission 47577 - Approve 15/03/2010

60300 - Re-roofing to include renewal of lead work, repair of chimneys and 5 no. replacement timber dormer windows - Approve with Conditions 30/09/2016

60301 - Listed building consent for re-roofing to include renewal of lead work, repair of chimneys and 5 no. replacement timber dormer windows - Approve with Conditions 30/09/2016

60971 - Refurbishment and remodelling to include replacement windows, works to external elevations and internal alterations - Approve with Conditions 21/04/2017

60972 - Listed Building Consent for refurbishment and remodelling to include replacement windows, works to external elevations and internal alterations - Approve with Conditions 21/04/2017

61906 - Listed building consent for remedial restraint of front elevation wall and window panels - Approve with Conditions 02/11/2017

63022 - Variation of condition no. 2 (approved plans for listed building consent ref: 60972) for retention of stainless steel window frames with 28mm double glazed units. - Approve with Conditions 29/10/2018

63065 - Variation of condition no. 2 (approved plans for planning application ref: 60971) for retention of stainless steel window frames with 28mm double glazed units. - Approve with Conditions 29/10/2018

65056 - Removal of existing vehicular access gates, stone pillars and curved wall; Construction of new curved wall in its original configuration attached to the main house; Widening of existing double gates adjacent an outbuilding; Provision of outdoor car parking; Refurbishment of the outbuilding for use by locals as a communal bin store - Approve with Conditions 10/09/2020

65057 - Listed building consent for removal of existing vehicular access gates, stone pillars and curved wall; construction of new curved wall in its original configuration attached to the main house; widening of existing double gates adjacent an outbuilding; provision of outdoor car parking; refurbishment of the outbuilding for use by locals as a communal bin store. - Approve with Conditions 10/09/2020

68241 - Extension, alteration and remodelling of outbuildings to form a family annexe - Approve with Conditions 04/11/2022

Publicity

Advertised by press and site notice and direct neighbour notification. No representations received.

Statutory/Non-Statutory Consultations

Pre-start Conditions - Not relevant

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.

ASSESSMENT

The application site is a listed building and within Holcombe Village Conservation Area.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving a listed building or its setting or any feature of architectural or historic interest it possesses. The decision maker must also give considerable importance and weight to the desirability of preserving the setting of the listed building.

Section 72 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.

This is further supported by UDP Policy EN2/3 Listed Buildings requires the Council to actively safeguard the character and setting of Listed Buildings, not permitting works, alterations or changes of use which would have a detrimental impact on the historical character or features of the building.

The sole area of concern raised by the Conservation Officer related to the structural glass roof lights to the south facing roof over the front courtyard. This has therefore been amended substituted with 2 nop. conservation style roof lights of more modest scale.

All other alterations would appropriately assimilate with the existing buildings and preserve the overall form, character and appearance.

The proposal would therefore have less than substantial harm to the character and appearance of the conservation area and the significance of the listed building and as such would satisfy the requirements of paragraphs 194, 195, 199 and 202 of the NPPF.

The public benefit would accrue from the sympathetic renovation and long term use and maintenance of dilapidated outbuildings and, as such, the proposal satisfies sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires convincing justification for any loss or harm to the significance of the conservation area and listed building.

Overall, the proposed development would preserve the character of the Listed Building and is therefore acceptable.

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 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
Site Location Plan (Dwg no. R-0565-SLP)
Proposed Site Layout, Floor & Roof Plan (Dwg no. R-0565-10 D)
Proposed Elevations & Sections - Sheet 1 of 2 (Dwg no. R-0565-15-1 C)
Proposed Elevations & Sections - Sheet 2 of 2 (Dwg no. R-0565-15-2 B))
Proposed Window & Door Details (Dwg no. R-0565-20 A)
'On the rafter' installation detail (Dwg no. CR_WRCS_FK_C)
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 development and to preserve the significance of the listed building pursuant to adopted Bury Unitary Development Plan policy EN2/3 - Listed Buildings and paragraphs 194, 195, 199, 200 and 202 of the National Planning Policy Framework.
- 3 The external finishing materials for the proposal hereby approved shall be as detailed within the approved application particulars.
Reason. In order to preserve the special architectural or historic interest of the building and to ensure a satisfactory development pursuant to Policy EN2/3 - Listed Buildings of Bury Unitary Development Plan, Paragraph 189 of the National Planning Policy Framework, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4 The raking out of the stone work shall be carried out using hand tools and without the use of power tools.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of repair and to preserve the significance of the listed building pursuant to adopted Bury Unitary Development Plan policy EN2/3 - Listed Buildings and paragraphs 194, 195, 199, 200 and 202 of the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	08/12/2022		