

DELEGATED REPORT

Report by Tom Beirne	Date of report: 09/05/2025	Ref: 71711/FUL
Registration: 25/03/2025	LDFC: 02/05/2025	Expiry Date: 20/05/2025
Site Visit: 08/04/2025	Site Notice: N/A	Press Date: 10/04/2025
Objections: 1	Con Area: BROO	Adv Type: CAAF
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Installation of automated gate at entrance

Location: Rowlands House, Rowlands Road, Summerseat, Ramsbottom, Bury, BL9 5NF

Description

The application relates to a large stone built, semi-detached house on a residential road within a conservation area. The house, together with the attached property (The Rowlands), is on the Council's draft local list and is therefore a non-designated heritage asset.

The proposal involves installing an automated swing gate across the existing vehicular access on the Ashborne Drive frontage. The gates would be single-leaf and be constructed in steel, powder coated black although the details of the gate design are lacking. It would be 3.5m wide and between 1.8m and 2m in height. The applicant states that the gate would improve security and access control without obstructing public movement.

Relevant Planning History

58235 - Single storey extension at rear, conservatory at side - Approved 20/01/2015

Publicity

Immediate neighbours notified by letter dated 03/04/2025. Press and site notices posted.

One objection from neighbour relating to access.

The access is shared with the occupiers of The Rowlands who are concerned that the gate would interfere with this access.

Statutory/Non-Statutory Consultations

Conservation Officer - Recommends refusal due to impact on the character of the conservation area.

Traffic Section - Recommends refusal. Lack of details and highway safety.

Pre-start Conditions - N/A

Development Plan and Policies

H2/3	Extensions and Alterations
EN1/1	Visual Amenity
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
NPPF	National Planning Policy Framework
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Conservation Area and Heritage - The application site is a Non-Designated Heritage Asset (NDHA) and is within Brooksbottoms and Rowlands conservation Area- a designated heritage asset.

Planning (Listed Buildings & Conservation Areas) Act 1990 Section 72(1) states - In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Subsection 2 - The provisions referred to in subsection (1) are the planning Acts and Part I of the Historic Buildings and Ancient Monuments Act 1953 and sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993.

Paragraph 215 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.

Paragraph 216 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The conservation area is on the Historic England Heritage at Risk Register as being in poor condition and deteriorating with medium vulnerability. This has been caused in the main by inappropriate changes and alterations to windows, doors, boundary treatments and development in front gardens especially on Miller Street.

The application site is within the Rowlands area of the conservation area to the south and east of the River Irwell and the East Lancashire Railway.

The house is one of a pair semi-detached villas dating from the mid-19th century in the Italianate style in red brick with mouldings, balconies and a natural blue slate roof. It has a red brick stone coped boundary wall with hedgerow in places.

The pair of villas and their boundary treatments make a strong contribution to the special distinctiveness of the conservation area preserving its character and appearance.

The part of the conservation area of which the application site forms part contains predominantly a domestic building typology with the exception of the Summerseat Primary School and Methodist Church and a few former East Lancashire Railway Buildings which date from the mid-19th century to the early 20th century. As such the earlier domestic properties have boundary treatments characterised by low stone walls with later buildings having brick and low hedgerows, in some instances both.

The original Summerseat Methodist Church and Primary School boundary treatment along Rowlands Road is characterised by a low stone plinth supplanted with iron railings, this is the only building typology characterised by this type of treatment.

The proposal is for a single leaf swing steel gate in a railing design electrically operated and controlled remotely. It would be of no historic or architectural merit and as such it represents a generic design and form. There would also be an associated steel swing post and slam post, intercom and fob. It would be sited on the original historic access track that runs north to south adjacent to the western boundary of the building.

Large steel gates are not an historic architectural feature of this late 18th early 19th century semi-rural conservation area. The use of vernacular materials, the local skills available and the building typology would not have resulted in a requirement for large, hinged gates for access for larger non-motorised and later motorised vehicles, or for the security of domestic properties given many were mill workers cottages.

Furthermore the gate in an open or closed position would have a visually detrimental impact on the setting of the Non-Designated Heritage Assets The Rowlands, Rowlands House and their boundary treatments and as such would cause an unacceptable loss of their heritage significance and therefore their contribution to the character and appearance of the conservation area.

As such the gates would represent an urbanising, utilitarian and incongruous architectural feature that would not preserve the character or appearance of the conservation area. This harm would equate to less than substantial harm within the meaning of paragraph 215 of the NPPF. There appears to be no overriding public benefit that would outweigh the harm identified to the conservation area and NDHAs that would allow the proposal to be supported in heritage conservation terms.

The proposal would either not comply with or be contrary to paragraphs 215 and 216 of the NPPF and adopted UDP policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control and would not align with the aims of the Manchester Joint Plan policy JP-P2 (Historic Environment).

Visual amenity - Whilst gates within a suburban setting are common and don't ordinarily cause issues. However, given that the site is in a prominent location within the conservation area and reflecting the concerns of the conservation officer, the large gates would appear prominent and have a visually detrimental impact on the conservation area and the setting of the non-designated heritage asset that is Rowlands House.

The proposal is not considered to be acceptable in terms of visual amenity and streetscape and would be contrary to UDP Policies H2/3, EN2/1, EN2/2 and EN2/3.

Residential amenity - Given the nature of the proposal, there are no residential amenity issues arising.

Highways, Access and Parking - Details are lacking but it is likely that the proposal would result in the creation of substandard gated access arrangements to the property which, due to the position of the proposed gates relative and in close proximity to the limits of the adopted highway, are likely to lead to standing vehicles waiting for the gates to operate, straddling the back of the footway and obstructing the free passage of pedestrians on the footway, to the detriment of pedestrian and highway safety. The proposal therefore conflicts with UDP Policy H2/3 Alterations and Extensions associated guidance in SPD6 in relation to highway safety.

Public comment - The comments from the immediate neighbour concern a possible right of access. Details are not clear but this would be a private matter between those affected.

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 gate would appear as an incongruous feature and have a visually detrimental impact on the setting of the Non-Designated Heritage Assets, The Rowlands, Rowlands House and their boundary treatments and as such would cause an unacceptable loss of their heritage significance and would not preserve the

DELEGATED REPORT

character or appearance of the Brooksbottoms and Rowlands Conservation Area within which the site is located. The proposal therefore does not comply with the NPPF, Manchester Joint Policy Plan - Places for Everyone and adopted UDP Policies EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control and EN2/3 Listed Buildings.

- 2 The proposal would result in the creation of substandard gated access arrangements to the property which, due to the position of the proposed gates relative and in close proximity to the limits of the adopted highway, are likely to lead to standing vehicles waiting for the gates to operate, straddling the back of the footway and obstructing the free passage of pedestrians on the footway, to the detriment of pedestrian and highway safety. The proposal therefore conflicts with UDP Policy H2/3 Alterations and Extensions associated guidance in SPD6 in relation to highway safety.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	09/05/2025		