

DELEGATED REPORT

Report by Mark Kilby	Date of report: 21/07/2022	Ref: 68267/FUL
Registration: 26/04/2022	LDfC: 06/07/2022	Expiry Date: 21/06/2022
Site Visit: 14/06/2022	Site Notice: 14/06/2022	Press Date: 12/05/2022
Objections: 0	Con Area: MOUN	Adv Type: CA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at rear; replacement of rear door with stone infill and reused window; replacement of garage doors with window at front.

Location: Mill Yard Cottage, Mount Pleasant, Nangreaves, Bury, BL9 6SP

Description

The application site is a two storey stone built with stone flagged roof detached dwellinghouse. It was built in the early 19th century and was originally two dwellings. It is sited within Mount Pleasant Conservation Area and is considered to be a Non-Designated Heritage Asset (NDHA). The site does not have its permitted development rights removed.

The buildings' significance is derived from its group value as part of the factory village of Mount Pleasant Cotton Mill, its vernacular form and materials and as a higher status building when compared with the workers cottages to the north, west and east of the factory site.

It is proposed to:

- a) - Erect a single storey side and rear mono-pitched roof extension for use as a porch in matching punched face stone with a natural slate roof. It would extend beyond the original rear wall by 2.70m, have a total height of 2.90m with an eaves height of 2.10m. It would extend beyond the original flank wall of the dwellinghouse by 1.80m. Its external footprint area would be 3.40 square metres.
- b) - To infill the garage opening on the front elevation with matching punched face stone and a window to match the existing. The window would be timber double glazed and would match the existing ground floor front elevation windows with regard to proportion, design and materials.
- c) - Remove an existing door on the rear elevation and infill with matching punched face stone and timber framed double glazed window reused from the rear elevation made redundant by the proposed porch.

The proposals for the alterations would be permitted development as an alteration to the dwellinghouse by virtue of Part 1, Class A of the General Permitted Development Order 2015 (as amended). The extension would not be as an extension of the side elevation within a conservation area.

Relevant Planning History

None.

Publicity

Letter to nearby addresses dated 9/5/22, press notice on 12/5/22 and site notice on 14/6/22. No objections or comments received.

Statutory/Non-Statutory Consultations - None.

Pre-start Conditions - Agreement to pre-commencement condition for a sample of punched face stone.

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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.

Policy - Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 199 of the National Planning Policy Framework states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 203 of the National Planning Policy Framework states 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.

Residential Amenity - The proposed single storey side and rear extension by virtue of its siting, size, design and materials and its use as a porch with no habitable room windows would not cause a level of impact on the residential amenity of neighbouring occupiers that would warrant refusal.

Visual Amenity and Design - The proposed extension would not be visible from the main street scene. It would have a mono pitch roof, matching punched face stone and a natural slate roof. It would harmonise with the existing dwelling and would not be out of character with the surrounding built form. A section detail of the window reveal setback for the proposed windows has been submitted and is satisfactory. The submitted plan details that natural slate will be used. A pre-commencement condition for the approval of a sample of punched face stone to be used has been agreed by the applicant.

The proposal is considered acceptable with regard to residential amenity and the visual amenity of the area.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Conservation Area - The proposed alterations and extension are considered to have a neutral impact on the conservation area and therefore would preserve its character and appearance. They would not represent an incongruous form or development within the conservation area and would not alter the legibility of the building in its contribution to the character and appearance of the conservation area. As such the proposals would comply with EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 199 of the NPPF.

Non-Designated Heritage Asset - The proposals would not cause the loss of the identified significance of the Non-Designated Heritage Asset or its contribution to the setting of the conservation area. As such the proposals would not conflict with the aims of paragraph 203 of the NPPF.

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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 three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawing numbered 2022004/MES/MYC/001 revision P3 and section detail of window reveal set-back 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.
- 3 The new stone used on the external elevations for infilling and the proposed extension shall be natural punch faced stone to match the existing in colour, texture, block size and coursing. Samples of the stone to be used shall be submitted to and approved in writing by the Local Planning Authority before work commences.
Reason. In order to preserve the special architectural or historic interest of the building and the character and appearance of the conservation area.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	21/7/22		