

DELEGATED REPORT

Report by Amanda

Date of report: 26/03/2024

Ref:70338/FUL

Uhunmwagho

Registration: 18/12/2023

LDfC: 12/01/2024

Expiry Date: 12/02/2024

Site Visit: 23/01/2024

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Enlargement of two window openings to rear elevation

Location: Shaunings Cottage, Bolton Road, Tottington, Bury, BL8 4JA

Description

The application relates to a stone built two storey, detached property. It is situated just outside of Hawkshaw Village and is within the Green Belt, West Pennine Moors and comes under Development in River valleys. It is not in a conservation area and the building is a Non-designated Heritage Asset (NDHA).

Shaunings Cottage is adjacent to two other properties called Loe Bank Farm House and Loe Bank Bungalow. Both these properties are stone built and are also NDHAs. The front elevation of Loe Bank Farm House to the north faces on to the side elevation of the application property and they have a driveway adjacent to the driveway on site.

The application property is a stone built two storey house which has been previously extended. There is an entrance to the front of the dwelling with porch and also an entrance to the north side elevation. The whole of the front of the site is hardstanding with a small area of planting to the side of the porch and along part of the front boundary. There is existing parking to the front/side of the property for at least three vehicles.

At the rear of the property the garden has two levels with patios at the same level as the dwelling with steps leading to a lower area to the south and south west of the site. There are lots of mature planting and trees to the south and west boundaries.

The property is positioned to the north of Bolton Road which is a well used main road. The property is raised to the highway but due to planting and trees throughout the site the property is not fully visible from the main road below. The property is surrounded by open fields and the closest property to the rear is well over 20m away.

The proposal is to replace the existing ground floor living room and upper floor bedroom windows on the rear elevation. The room uses would not be changed. The proposed drawings show that the ground floor window would have three panels and the upper window would have two. Both windows would have stone mullions, cills and heads to match the existing dwelling.

The applicant also intends to remove one window from the south side elevation and block it up with stone to match the existing elevation. This is being undertaken as permitted development and is not part of the proposal.

The initial proposal also included the change to the front door of the porch to a full length window, but following the comments from the conservation officer the existing door to the porch is to remain as it is currently.

Relevant Planning History

- 02012/E - First floor side extension, single storey rear extension and conversion of existing detached garage - Enquiry completed 03/08/2017
- 62160 - Demolition of existing single storey rear extension and conservatory and erection of first floor side extension and single storey rear extension and attachment and conversion of existing detached garage - Approve with Conditions 20/12/2017
- 62633 - First floor extension to side elevation; Demolition of existing single storey rear extension, conservatory and detached single garage and the erection of new single storey rear extension - Approve with Conditions 18/05/2018
- 02905/E - Construction of two storey rear extension and single storey side extension. - Enquiry completed 17/11/2023

Publicity

2 neighbours notified on 19/12/2023 - No comments or objections received.

Statutory/Non-Statutory Consultations

Conservation Officer - Objection to original drawings submitted. Their comments are shown below.

For the avoidance of doubt my view is there are some external alterations annotated on the submitted proposed plans that are not part of the description proposal for the application:

Change of front door to a window on the south elevation of the original porch and the blocking up of one light of the historic stone mullioned window in the north gable at first floor level.

Section 55(2) of The Town and Country Planning Act states; ***The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—***

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,..

I consider the alterations identified above together with the proposal do require planning permission as they will materially affect the external appearance of the building.

The alteration of the front door to a window and the loss of one light from the mullioned window would not be acceptable in heritage conservation terms as this would cause a loss of architectural interest to its significance.

The proposed large window opening at first floor is not acceptable. It would represent a highly visible incongruous architectural feature on the building and within the grain of the surrounding built environment causing harm to the architectural interest of the building representing a loss of significance.

The proposed ground floor opening should be reduced in size to mitigated its harmful visual impact on the building and surrounding built environment.

The revised drawings received on 22/03/2024 were sent to the conservation officer for their comments. They replied on the 26/03/2024 advising they have no objections to the revised drawings.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
OL1	Green Belt
OL7/2	West Pennine Moors
EN9/1	Special Landscape Areas
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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.

The main considerations of this application are the impact of the proposal on visual and residential amenity, as well as its impact on the openness of the surrounding Green Belt and the building which is a Non-designated heritage asset.

Principle (Green Belt) -

Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages as set out under Policy OL1/3.

This is further supported by Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt which state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling. To assist in what can be considered to be disproportionate SPD 8 considers additions of up to a third (33%). However, that is not to say something larger, or smaller than 33%, would not be supported as each case is considered on its own merits.

There are no Green Belt calculations included with the application as the proposal is only to replace existing windows to the rear and block one up to the side. There would be no extensions to the dwelling. As such it is considered that there would be no detrimental impact on the openness or character of the surrounding Green Belt.

Heritage -

The dwelling has been identified as a non-designated heritage asset in accordance with Annex 2 of the NPPF and is considered to be a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

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 205 of the National Planning Policy Framework (NPPF) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's 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 208 of the 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 209 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 building has been previously extended. The proposed changes to the windows on the rear elevation would be considered to be more in keeping with other windows throughout the building, compared to what is currently there, especially the Juliet balcony to the first floor. The stone mullions, cills and heads to both windows would reflect the original character of the building. As such it is considered that the replacement windows would not have any significant detrimental impact on the architectural and historic interest of the building as an NDHA.

Visual Amenity-

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The ground and first floor windows would have stone mullions, cills and heads and they would be constructed with a design that would be considered to be in keeping with the existing dwelling.

The building is situated well away from the main road to the south and the rear elevation would only be visible from a distance across the open fields to the rear (west).

The upper floor window to the south side elevation would be removed and blocked up with stone to match the existing walls.

Given the above the proposal would not have any significant detrimental impact on the character of the NDHA or in terms of visual amenity and conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

Residential Amenity -

There would be no extension to the existing dwelling. As such the distance to the rear boundary would remain at around 10.5m as it is currently.

As there are open fields to the rear of the property, and the room uses would not be altered the change in window styles to the lounge and bedroom window on the rear elevation would not have any significant detrimental impact on residential amenity in the immediate vicinity.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the front garden and drive.

Conservation concerns -

The initial concerns received from the conservation officer have been addressed by receipt of revised drawings which show the rear windows have been reduced in size and the proposed materials and design would be considered to be in keeping with the existing building.

The agent has confirmed that the existing door to the front porch would not be altered and as the upper floor windows to the south side elevation are part of an extension and not the original dwelling it would be acceptable to remove one of the windows as shown on the revised drawing received on 22/03/2024.

On 26/03/2024 the conservation officer advised that the submitted revised plan, 23/644.10 (c) shows the reduced window openings which are now considered to be acceptable with regard their impact on the building as a Non-Designated Heritage Asset.

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 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 drawings numbered 23/644.BP, 23/644.SLP and 23.644.03 received on 15/12/2023, drawings numbered 23.644.01 and 23.644.02 received on 18/12/2023 and drawing numbered 23/644.10(C) received on 22/03/2024 as modified by the email from John Holt Architects dated 22/03/2024. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.
- 3 The external finishing materials for the proposed windows hereby approved shall be stone mullions, cills and headers to match the existing openings on the property.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 26/03/2024		DM	27/03/2024