

DELEGATED REPORT

Report by Claire Booth	Date of report: 27/03/2024	Ref: 70465/FUL
Registration: 02/02/2024	LDfC: 26/02/2024	Expiry Date: 29/03/2024
Site Visit: 07/02/2024	Site Notice: 07/02/2024	Press Date: 08/02/2024
Objections: 0	Con Area: BROO	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Enlargement of a first-floor window on the rear (north facing) elevation of the property and erection of detached carport with integral store

Location: 9 Castle Street, Summerseat, Bury, BL9 5NG

Description

The application relates to a mid-terrace traditional two-bedroom stone property located adjacent to the grounds of Brooksbottom Cricket and Social Club in Summerseat, which is accessed off the lane to the social club which is a designated Public Right of Way (PROW), no 98 Ramsbottom.

On the opposite side of Castle Street to the terrace, to the north of the terrace, are garden areas for each of the terraced properties on Castle Street. A number of these are covered with hardstandings and outbuildings.

The application site is located within Brooksbottom Conservation Area, a designated heritage asset for planning purposes. To the north of the site/ garden areas and outbuildings is the access lane up to Summerseat Methodist Primary School, which is located to the north-west of the property. The south of the application borders Brookesbottom

Planning permission was initially sort for three aspects:

1. To change the ground floor window on the south facing elevation to patio doors;
2. To enlarge an existing first floor window on the north facing elevation; and
3. To erect a detached store and covered carport.

Due to concerns over the impact of the works proposed to the south facing elevation on the character and appearance of both the application dwelling and the conservation area in which it is set the proposed change to the ground floor window has now been removed from the proposals.

The proposed detached car port and store would be an Oak framed structure with a slate roof. Two thirds of which would be open. The rear part of the detached outbuilding would be enclosed to provide a secure external store area.

The proposed covered car port and store would be approximately 7.68m in length by 5.8m wide. The eaves height of the building is proposed to be approximately 2.2 metres in height with the ridge height of the proposed outbuilding proposing to be approximately 3.6 metres.

Relevant Planning History

There is no planning history on record for this application site.

Publicity

The original proposals have been advertised by Press Notice in the Bury Times on the 08/02/2024 and a Site Notice was erected on a telegraph pole on the access road to Castle Steet on the 07/02/2024. The above-mentioned notices advised of the proposals and that they related to development within a conservation area.

3 neighbours, who directly adjoin the application site, were also notified by letter on the 02/02/2024. No representations were received relating to this consultation.

On receipt of the amendments and change to the description removing the patio doors, the neighbours were re-consulted for 14 days on the 29/02/2024. No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections in principle, subject to an informative advising the applicant of the presence of a Public Right of Way to the east of the application site, along the access road to the terrace in which the application site forms part of.

Conservation Officer - Initially objected to the proposals as they were originally submitted due to the proposed patio doors on the south elevation causing substantial harm to the appearance of the property, the terrace to which it forms part and the character and appearance of this part of the conservation area. No objections to the revised scheme.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

OL1/2	New Buildings in the Green Belt
EN1/2	Townscape and Built Design
EN2/2	Conservation Area Control
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
JP-G9	The Green Belt
JP-P2	Heritage
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan (PfE), and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The PfE and UDP policies 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 PfE and 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.

Green Belt

The sites location in the Green Belt

Within the PfE Plan the site is allocated as being within the Green Belt. Paragraph 145(c) of the NPPF notes that extensions to dwellings can be appropriate provided they do not result in disproportionate additions over and above the size of the original building. Policy JP-P2 of the PfE Plan states development proposals affecting designated and

non-designated heritage assets and/or their settings will be considered having regard to national planning policy. UPD Policy OL1/2 - New Buildings in the Green Belt in its requirements follow a similar vein to the NPPF and PfE Joint Development Plan.

The proposed enlargement to a first floor window on the north facing rear elevation of the property would have no impact on the openness and permanence of the Green Belt and therefore is deemed to be acceptable.

In terms of the proposed outbuilding/ detached car port and store, the Council has an SPD - no. 8, on new buildings within the Green Belt which states an extension of up to a third of the volume of the original dwelling, notwithstanding other material planning considerations such as design and visual appearance, may be allowed. To assist in this assessment, additions of up to a third (33%) are stated as being proportionate additions/ extensions. However, that is not to say something larger, or smaller than 33%, would not be supported as each planning application is considered on its own merits.

In respect of the proposed outbuilding/ car port, the accompanying Green Belt statement advises the volume of the existing two storey dwelling is 400m³. The proposed outbuilding/ car port would have a volume of 132m³, which is considered to be a proportionate addition in the Green Belt.

Impact on the openness and permanence of the Green Belt

The proposed outbuilding would be sited between outbuildings situated in adjacent plots/ rear garden areas. It is to be single storey in height with an eaves height of approximately 2.2m and a maximum height of approximately 3.6 metres. The site in question is not directly visible from the PROW located to the west of the terrace/ application site. When stood on the lane to the rear of the terrace, there is no sense of the property being on land that is open due to the presence of neighbouring outbuildings and trees bordering the northern boundary of the site, unlike the southern side of Castle Street which overlooks Brooksbottom Cricket Club field. Due to the above circumstances, the proposal would not detract from the openness and permanence of the Green Belt

Sites position in a Conservation Area

The application site is within Rowlands and Brooksbottoms Conservation Area, a designated heritage asset.

For clarity the building is part of an historic terrace of properties, but as a group are not considered to be a Non-Designated Heritage Assets by virtue of the external alterations that have been carried out to the front elevations of some properties affecting the appearance of the group as a whole. However the architectural grain of local materials and simple plan forms means the terrace is a strong contributor to the character and appearance of that part of the conservation area.

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 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 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 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.

The proposed increase to the size of the existing small first floor window on the north elevation is considered acceptable by virtue of the scale of its alteration not leading to any increased visual harm in the street scene. As such it would preserve the character and appearance of that part of the conservation area.

PfE Policy JP-P2: Heritage states "development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national planning policy".

UDP Policy EN2/2 - Conservation Area Control accords with the requirements of the Act stating development within a Conservation Area will only be acceptable if it *preserves or enhances the special character or appearance of the area*.

The proposed detached car port is not considered to introduce a level of increased harm, when considered against the baseline context of existing development comprising of outbuildings to the north of the terraced row, Castle Street.

The timber framing of the proposed outbuilding is considered to be a traditional material and would therefore blend with the materials of the traditional terrace to which the outbuilding would relate. Provided the outbuilding is roofed in natural slate, which can be secured by planning condition, the proposal would not harm the character and appearance of this part of Brooksbottom Conservation Area.

Based on the above, the proposal accords with the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act, the National Planning Policy Framework, Policy JP-P2 of the Greater Manchester Places for Everyone Plan, and UDP policy EN2/2.

Design and Visual Amenity

The proposed covered car port and store would be set back into its plot between neighbouring outbuildings, which is boarded by some semi-mature trees which prevent views of the proposed development and existing outbuildings present to the rear of the terrace/ Castle Street and for the reasons given above, the scale, design and materials, subject to a traditional slate roof being secured, the proposal accords with the requirements of UDP policies EN1/1 and OL5/2.

Parking and Highway Safety

The access lane to the Castle Street and Brooksbottom Cricket and Social Club is a Public Right of Way, reference 98 Ramsbottom. The access lane forks off to provide vehicular and pedestrian access to the north/ rear elevations of the properties on Castle Street.

The existing parking area/ rear amenity space is separated from the existing dwellinghouse by the rear lane. The Local Highway Authority (Traffic Section) requested the applicant demonstrate that there would be sufficient room in front of the proposed outbuilding to ensure that any car parking there would not overhang the access lane or obstruct the Public Right of Way to the west of the site.

The Traffic Section has requested an informative be imposed making the applicant aware of the legal obligations to keep the Public Right of Way free from obstruction.

Residential Amenity

In terms of the proposals effect on the amenity of neighbouring residents, the single storey detached car port and store would primarily be open except for the rear/ northernmost third of it and positioned on the separate parcel of land separated from the rear of the properties on Castle Street and located between other domestic outbuildings. The building would be sited directly to the rear of the application site and approximately 13 metres from the ground floor habitable room window of the application property.

The proposed outbuilding is single storey and therefore overshadowing of neighbouring dwellings would not be seriously excessive above and beyond the existing situation. The proposed outbuilding would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Places for Everyone Joint Development Plan

Since this application was submitted to the Council/ the Greater Manchester Places for Everyone Joint Development Plan has been adopted. Planning decisions should now be made in accordance with this plan. The PfE policies relating to Green Belt and Heritage have been considered. The other policies of the plan are not applicable to this development as it is householder development.

Conclusion

Taking account of all of the above, the proposal is considered acceptable in terms of its impact on the openness and permanence of the Green Belt, the character and appearance of this conservation area, its impact on visual amenity, and on residential amenity and conforms to Policies JP-G9 - Green Belt and JP-P2 - Heritage of the Greater Manchester Places for Everyone Plan, Policies EN1/2 - Townscape and Built Design, EN2/2 - Conservation Area Control, H2/3 – Extensions and Alterations of the Bury Unitary Development Plan, Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties and Supplementary Planning Document 8 - New buildings and associated development in the Green Belt.

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 permission relates to the following plans and documents:

Drawing No. EAD_226_08: Location Plan;
Drawing No. EAD_226_06 Rev. S2: Proposed Site Plan;
Drawing No. EAD_226_03 Rev. S1: Proposed Floor Plan; and,
EAD_226_04 Rev. S2: Existing and Proposed Elevations, except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings and documents.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Local Plan, Greater Manchester Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 3 Notwithstanding any description of materials in the application and the requirements of condition 2 [approved plans] of this permission, the roof covering of the approved

detached outbuilding/ covered car port and store shall be natural slate with ridges to match.

Reason: In order to preserve and enhance the special architectural or historic interest of the conservation area in which the site is set, in accordance with S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and Policies EN2/1: Character of Conservation Areas, EN2/2: Conservation Area Control, EN2/1: Visual Amenity and EN1/2: Townscape and Built Design, of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	27/03/2024	DM	27/03/2024