

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 01/02/2022

Ref:67861/FUL

Registration: 20/12/2021

LDfC: 14/01/2022

Expiry Date: 14/02/2022

Site Visit: 22/12/2021

Site Notice: N/A

Press Date: 06/01/2022

Objections: 0

Con Area: HOLC

Adv Type: CA

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Porch extension to south elevation; Velux rooflights in existing roof; New gate to entrance to replace existing; Fence to replace existing low level fencing; Erection of garden room and summer house at rear

Location: Dawes Bank Farm, Holcombe Old Road, Ramsbottom, Bury, BL8 4NQ

Description

The application relates to a two-storey detached house within the Greenbelt entirely surrounded by open countryside and located on a hillside overlooking Ramsbottom. The dwelling is a Non-Designated Heritage Asset built 1783 (Ref LL506; not a Listed Building) and is located within Holcombe Conservation area. The main frontage is south facing with views across open countryside.

Planning permission is sought for:

- Single storey porch extension to south elevation. Materials constructed in stone to match existing with parapet wall and flat roof to enable date stone to remain in place plus one window facing away from the highway towards the garden room.
- Clement Heritage Rooflights in existing roof (two at rear, one new, one replacement), the agent has confirmed this in writing.
- Erection of garden room (8m width; 5m depth, height 2.5m) at westernmost part of rear garden, positioned approximately 30.5m apart from the main dwelling. Materials to be stained timber for the external facade, windows, and doors, plus dark grey flat roof.
- New stained timber vehicle and pedestrian gates (3.5m wide, 1.5m high) at site entrance to replace existing.
- New timber 4-bar fence (approximately 1.2m high and 158m long) to replace existing low-level fencing in very poor condition.

The dwellinghouse sits within a very large garden. There are a number of large trees and shrub planting on the eastern and northern boundaries, but none on the south boundary, and to a lesser extent the east boundary.

It should also be noted that within this area an Article 4 direction has been applied which means that permitted development rights have been removed.

Relevant Planning History

None.

Publicity

Immediate neighbours notified by letter dated 21/12/2021 sent to 2 (two) neighbours. No

representations were received.

Statutory/Non-Statutory Consultations

Heritage Officer – Following improvements, “the amended scheme is acceptable in heritage terms as it would not harm the significance of the NDHA and would have neutral impact on the conservation area therefore preserving its character and appearance”.

Public Rights of Way Officer – Consulted, no response.

Highways - Consulted, no response.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
SPD 9	Conversion and Re-use of Buildings in the Green Belt
EN2/2	Conservation Area Control
EN9/1	Special Landscape Areas
OL7/2	West Pennine Moors
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions

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.

Green Belt – NPPF 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 145 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) provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation;
 - c) extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;
 - d) replacement of a building, providing 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 community needs under policies set out in the development plan (including policies for rural exceptions sites); and
- 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 OL/3.

This is further supported by SPD8 - 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. In general terms, the Council may allow an extension to be up to a third of the volume of the original dwelling, notwithstanding other material planning considerations such as design and visual appearance.

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%) of the volume of the original dwelling, notwithstanding other material planning considerations such as design and visual appearance. 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.

The original application included two outbuildings which has since been reduced to one outbuilding to reduce the impact of a cluster of buildings on the horizon as viewed across the open countryside on an elevated area within the greenbelt. The proposed outbuilding and porch extension is located within the greenbelt within the curtilage of an existing residential dwelling on the edge of Tottington. The original dwelling (as existing in 1947) measures 870m³, and proposed extensions include a front porch extension measuring 12.46m³, and a detached summer room measuring 106.25m³. The proposed extensions would measure approximately 118.7 cubic metres, which if approved would result in total extensions representing an increase of 12.0% on the original building which is below the 33% suggested within SPD 8. The remaining proposed outbuilding would be constructed alongside the rear fence, partially screened by large trees, set back from the highway by a good distance and is therefore considered to be acceptable in terms of massing.

In this instance due to the location of the proposal and design amendments it is considered that the proposal would not conflict with the surrounding land uses nor would it create harm to the openness of the Green Belt given the above circumstances. It is considered therefore that the proposal is a limited extension that would not have an adverse impact on the openness of the Green Belt, or result in a disproportionate addition above and beyond the original (replacement) building and is a limited extension. It is there considered that the proposal complies with the NPPF, UDP Policies OL1/2, and associated guidance in SPD8.

Impact on Green Belt and Visual Amenity

In addition to the Green Belt Policies set out above 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 original submitted proposal included two outbuildings and a large porch with features considered to be of an urbanizing character which would have been contrary to the NPPF and adopted policy regarding the Green Belt and West Pennine Moor Area of Special Landscape Value. However, the applicant has since improve the design to remove one outbuilding and it is therefore considered that the current proposal design has mitigated the original concerns and will be less prominent.

The proposed garden outbuilding would be located to the rear of the site approximately 50m from the public highway and set alongside a boundary fence with natural screening along this boundary. Due to the close proximity of the outbuilding to the rear boundary with existing large trees there is sufficient natural screening to protect views of the proposed outbuilding therefore limiting the impact on the openness of the Green Belt.

Proposed materials are to include stained timber for the external facade, windows, and doors, plus dark grey roof. In terms of design and appearance the proposed outbuilding is sufficiently set apart from the existing house so as not to detract from its historical character. Situated along the rear boundary fence, the extension is set back from the highway by approximately 50m and would be partially visible from the public arena although its design with a flat roof and predominantly timber materials are considered to comply with UDP Policy H2/3 and associated guidance in SPD6.

It is considered that the proposal would not have an adverse impact on the openness of the Green Belt or have a detrimental impact on the character of the dwelling, street scene or

neighbouring properties. As such the proposal is considered to comply with NPPF Green Belt policy, UDP Policies H2/3, OL1/2, and associated guidance in and SPD6.

Heritage - The site is within Holcombe Village Conservation Area. The building is considered to be a Non-Designated Heritage Asset (NDHA). 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 203 of the National Planning Policy Framework 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 original submission proposed a porch extension with a dual pitched roof, a new entrance gate of solid timber construction, a boundary fence in the style of a picket fence with strong vertical emphasis and two outbuildings with hardstanding and two rooflights to the main roof of the dwellinghouse. The design of the proposals were considered to represent urbanising features that would harm the significance of the NDHA and not preserve the character and appearance of the conservation area, especially a conservation area within a rural setting.

Revised plans have been submitted that alter the proposed pitched roof of the porch to a flat parapet roof which would be historically accurate to the period when the building was constructed, the gate and boundary treatment to a simple 3 bar horizontal timber fence that one would expect to see in a rural location, the removal of one proposed outbuildings and the commensurate reduction in hardstanding. The proposed rooflights would be of a flush design mitigating their visual impact.

As such the amended scheme is acceptable in heritage terms as it would not harm the significance of the NDHA and would have neutral impact on the conservation area therefore preserving its character and appearance.

Visual amenity - UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

In terms of design and appearance the proposed porch extension is considered to be in-keeping with the existing house. Situated at the front, the porch would be readily visible from the public arena although its design with stone to match existing is considered to compliment the historic appearance of the main dwelling.

The proposed outbuilding would be positioned at a good distance from the public area. Situated at the rear, the outbuilding would be partly visible across the valley, whilst benefiting from natural screening due to large trees around the boundary but would be largely hidden from the public road alongside the main house. In this respect the extension complies with UDP Policy H2/3 and associated guidance in SPD6.

Residential amenity - UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

In terms of overlooking and privacy to the rear, there is a substantial separation distance on all sides and hence the extension is considered to be acceptable and complies with adopted guidance in SPD6. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear.

Similarly, the extension is acceptable in relation to neighbours as it complies with the

'45-degree rule' within SPD6, and there are no concerns with regards overlooking of any neighbours

In terms of the general prominence and impact on daylight the porch extension and proposed outbuilding are entirely single story and any overshadowing would not be seriously excessive above and beyond the existing situation. The extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways – Other than the provision of a new gate and a relatively small porch extension facing the existing parking area, the proposal would not affect the existing parking arrangements above and beyond the recent approved planning permission as mentioned above.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and sitting, and scale of this development. Numerous improvements have been made to ensure the proposal is designed to protect the traditional character of the historic dwelling and considered to be a high-quality design. As such, the proposals are therefore considered to be acceptable and complies with NPPF, Green Belt policy plus associated guidance in SPD9, UDP Policy OL5/2, and UDP Policy H2/3 plus associated guidance in SPD6.

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 486-05B, 486-06B, 486-07B, 486-08A, and 486-09A 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 external finishing materials for the proposed porch hereby approved shall be stone to match the existing building.
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.
- 4 The finishing materials for the proposed gate and fence hereby approved shall be a four-bar timber gate and fence to match the character of the rural setting within the Green Belt and conservation area.

DELEGATED REPORT

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

- 5 The proposed rooflights shall be hereby approved shall be Clement Heritage Rooflights to ensure an overall flush roof appearance is maintained within the conservation area.

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>
Steven Gunn-Russell	01/02/2022		