

DELEGATED REPORT

Report by Amanda

Date of report: 09/11/2023

Ref:69950/FUL

Uhunmwagho

Registration: 15/08/2023

LDFC: 14/09/2023

Expiry Date: 10/10/2023

Site Visit: 14/09/2023

Site Notice: N/A

Press Date: 24/08/2023

Objections: 0

Con Area: RAMS

Adv Type: CA

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Erection of 2 no. single storey extensions at rear; external alterations including removal of 2 no. side windows and installation of 2 new windows and patio door; installation of ground floor window to side elevation and widening of driveway

Location: 23 Bury New Road, Ramsbottom, Bury, BL0 0AR

Description

The application relates to a two storey stone, end terraced property which fronts on to Bury New Road to the front and Derby Street runs along the rear. The site is within the Ramsbottom Conservation Area and the building is a Non-designated heritage asset (NDHA), as are numbers 25 to 45 Bury New Road to the south. The dwelling is considerably higher than Bury New Road to the front and there is a long garden, approximately 20m long which has dense planting and trees throughout. Areas to the side and rear of the dwelling are stone flagged and there is a stone wall along the rear boundary. There is an existing single storey rear extension and an original outbuilding (coal shed) directly adjacent to the rear boundary.

The proposal is to erect two single storey extensions at the rear as well as external alterations including the removal of 2 side windows and installation of two windows and patio door, ground floor window to the side and widening of the driveway access.

The side extension would measure 2.45m x 4.1m and it would have a pitched roof. There would be two windows to the side and one to the rear. Two existing windows to the side of the existing property would be replaced with patio doors and at the rear an extension would be added in between the existing rear extension and the outhouse to create a new utility room and wc. The roof would be replaced and one conservation style rooflight would be installed.

The applicant also intends to remove part of the rear wall to widen the existing access point from 3.24m to 3.74m. The rest of the existing wall would remain in place.

Relevant Planning History

N/A

Publicity

3 neighbours notified on 18/08/2023 and 4 neighbours notified on 23/08/2023 - No objections received, but one neighbour did enquire about the impact of the proposed development on a legal right of way across the application site which provides access to neighbouring homes. They asked if the access would still be available once the development is complete. They also asked if the dropped kerb is likely to be extended as this would affect on street parking available on Derby Street, which is already busy.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection.

Traffic Section - No objection. Suggested conditions and Informatives to be added to the decision.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

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

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity, Design and Impact 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 199 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 203 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. This is further supported by UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control that require any development within a Conservation Area to preserve or enhance the special character or appearance of the area.

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, and UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control seek to preserve or enhance the character and appearance of these areas. Development will only be acceptable if it preserves or enhances these areas with regard to the nature of the development in terms of bulk, height, materials, design, relationship to the surrounding area, and impact of a new use on the character of the surrounding area.

Proposals where appropriate should seek to implement measures to retain, replace, restore features of architectural interest, retain and enhance landscaping features, promote environmental enhancement and promote design guidelines to ensure sympathetic development.

Although the development would be to the rear of the dwelling the site is fully visible from Derby Street which runs along the rear of the site. The row of terraced houses in which the application site is the end dwelling are all stone built houses and all have very similar pitched roof extensions and outbuildings to the rear. It is important that this characteristic is maintained once the proposed extension would be built.

It is noted that the removal of two side windows and the introduction of patio doors could be undertaken under Permitted Development rules. However, the agent has stated that they would have timber frames, which would be considered to be in keeping with the existing and other proposed windows on the building.

As the applicant only intends to widen the existing driveway access (no dropped kerb extension), it is also possible that this part of the development could be completed as Permitted Development.

The proposed extensions would be constructed using materials that would be considered to be in keeping with the existing building, as well as with adjacent properties, with stone walls, slate roofs and timber window and door frames. The new rooflight to the utility extension would be a conservation style rooflight which would not project above the roof level.

In addition to the extensions a 500mm section of the existing boundary wall would be removed to widen the existing access on to the site, but the majority of the existing wall would remain in situ and the existing stone slabs to the driveway would remain. A condition would be added to the decision relating to proposed materials to ensure that the character of the building is maintained.

The heritage statement has identified the primary heritage value of the building as its architectural aesthetic and that the building has been extended in the mid-later 20th Century. The amended design of the proposed extensions are considered modest and acceptable in relationship to the main house and as such the proposal would not harm the significance of the NDHA.

It is therefore considered that the proposal would preserve the character of the Conservation Area, and would not have a significant detrimental impact on the character of the dwelling, street scene and neighbouring properties complying with the policies considerations set out above.

Given the above the proposal also 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 -

- As the extensions would be single storey only the separation distance between them and properties on the opposite side of Derby Street would be considered acceptable in terms of SPD 6.
- Given that the extensions and alterations would be to the north side of the dwelling there would be no significant detrimental impact on residential amenity at no.25 to the south.
- There are existing windows to the side of the dwelling which face the blank two storey gable wall of no.12 Derby Street next door. As the uses of the proposed ground floor rooms would be similar to what they are now there would be no more of an impact on no.12 Derby Street than there is already.
- The existing parking plans shows that two vehicles are currently parked within the site and this would remain the same once the extensions would be built.
- The removal of 500mm of the existing boundary wall would not have any significant detrimental impact on residential amenity at surrounding properties.
- A neighbour has advised that neighbours to the south of site have a right of access across the site to access the front of their properties. The proposed extensions would not prevent use of the access if neighbour's were to require it. Access concerns/disputes would be a civil matter that would need to be discussed between the relevant neighbours if concerns arise.

Taking the above into account 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.

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 drive on site.

Response to neighbour comments -

An email reply was sent to the neighbour on 20/09/2023 advising that as the land isn't owned by the Council and there are no marked public rights of way across the site. As such any agreement over the access would be a civil matter which they would need to address with the applicant directly.

They were also advised to seek legal advice if required on this matter and that the agent has not indicated on any drawings that the existing dropped kerb is to be extended. The drawings show that only a small part of the wall would be removed for access on to the site.

The neighbour replied on 20/09/2023 advising that they will speak with the applicant regards the right of way and asked if they could be notified if any further relevant information was submitted regards the drive access is submitted.

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 ZT23-196-01 and ZT23-196-02 received on 18/08/2023, drawing numbered ZT23-196-07 received on 06/10/2023, drawings numbered ZT23-196-03, ZT23-196-04 and ZT23-196-08 received on 31/10/2023 and drawing numbered ZT23-196-09 received on 02/11/2023 as modified by the emails from Thorp Design Services Ltd dated 06/10/2023, 31/10/2023 and 02/11/2023. 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 proposal hereby approved shall match those of the existing building;
 - Elevations - stone to match the existing building.
 - Windows - Timber frames to match the existing building.
 - Hardstanding/Driveway - Stone slabs to match the existing driveway materials.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 amended access and parking arrangements indicated on the approved plans, incorporating the demarcation of the limits of the adopted highway and any associated remedial works required to reinstate the footway to its former condition prior to commencement of the development and partial removal of the boundary wall, shall be implemented prior to the development hereby approved being brought into use.
Reason - To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury UDP Policy H2/3 -

Extensions and Alterations and the guidance in Supplementary Planning Document
6 – Alterations and Extensions to Residential Properties.

- 5 Facilities for the storage of construction materials shall be provided within the curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 09/11/2023			