

DELEGATED REPORT

Report by Tom Beirne	Date of report: 19/11/2024	Ref: 71151/FUL
Registration: 24/09/2024	LDFC: 24/10/2024	Expiry Date: 19/11/2024
Site Visit: 05/11/2024	Site Notice: N/A	Press Date: 03/10/2024
Objections: 1	Con Area: HOLC	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of conservatory and erection of single storey extension at rear; replacement roof, windows, doors and rainwater goods to main dwelling; conversion of outbuilding into summer studio including replacement roof, windows and doors and new car port to replace existing

Location: 14 Lumb Carr Road, Ramsbottom, Bury, BL8 4NW

Description

The application relates to a two storey stone-built, terraced dwellinghouse on a residential row of similar properties. Detached outbuilding at rear. The rear yard is accessed from Cross Lane and drops down in level to the main house. The attached neighbour at No.12 has a single storey conservatory at the rear and a small kitchen window adjacent to the shared side boundary. The property is not listed but the site lies within Holcombe Village Conservation Area. No.5 Cross Lane, to the north/rear is a grade II listed building. In addition to the vehicular access into the rear yard, there is a car port, between Nos 10 and 12 Lumb Carr Road, serving the property with access onto Lumb Carr Road to the front.

The proposal involves:

- Demolition of the existing conservatory and erection of single storey extension projecting out 2.8m and running 4.8m across the rear elevation. Slate roof and aluminium windows.
- Replacement roof, front windows, doors and rainwater goods to main dwelling;
- Conversion of outbuilding into summer studio including replacement roof, windows and doors.
- Replacement car port (adj to No.12 Lumb Carr Road).

Relevant Planning History

02950/E - Conversion of garage/smithy at rear to residential annex/studio dwelling, replacement roof to the main dwelling and annex, new front door and new windows to the main dwelling. - Enquiry completed 16/05/2024
24/0325 - Building works - 01/10/2024

Publicity

Immediate neighbours notified by letter dated 27/09/2024. Objection received from the immediate neighbour.

- Building a brick structure where the conservatory used to be will significantly decrease the amount of light coming into my property.
- There is only one small window in the kitchen. This window projects to the outside. Due to the unusual layout of the property line, this window projects into the yard of number 14 directly adjacent to the existing conservatory.
- Any proposal to widen the footprint of the existing conservatory towards my property would have a negative and detrimental impact on my ability to get natural light into my property.
- Additionally I would question the design and proposed materials for the reinstatement of

- the car port as to whether this is in keeping with the principles of the conservation area.
- In relation to the proposal to create a summer house, I note that the proposal is for residents only which I would welcome as I would be opposed to the building being used as a commercial venture. In terms of the design and use of glazing I think it's important that such design does not go against the principles of the conservation area.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection to revised proposals.

Pre-start Conditions - N/A

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN2/2	Conservation Area Control
OL7/2	West Pennine Moors
EN2/1	Character of Conservation Areas
EN1/1	Visual Amenity

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.

Heritage - Chapter 16 of the NPPF (2019) relates to conserving and enhancing the historic environment and states that Local Planning Authorities should take account of the significance of any heritage asset and the positive contribution it has. Any proposal should preserve or enhance the character of a conservation area unless there is clear and convincing justification.

Specifically, Paragraph 197 states that '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'.

Any proposal needs to be appropriate to the Holcombe Village Conservation Area in which the site is located. The existing property has retained its original character although the existing Upvc conservatory is rather dilapidated and has low amenity value. The other windows and doors are not original and are not particularly in keeping with the character of the property.

The proposal seeks to replace the existing conservatory with a stone built single storey extension and the front windows with more traditional timber sash and case style. The new front door would also be timber. The roof would be replaced with a new stone roof to match the existing. At the rear the extension would have a slate roof with aluminium doors windows.

The outbuilding would be converted in a similar style using timber framed windows and doors and a new slate roof to match the existing. The rooflights in the roof would be conservation style to minimise the visual impact.

The proposed changes would enhance the appearance of the property which in turn would be more appropriate to the character of the wider conservation area. As such the proposal is acceptable in terms of heritage, impact on the conservation area and nearby listed building and there is no objection from the conservation officer. The proposal complies with the NPPF, Places for Everyone and UDP Policies EN2/1 and EN2/2 in relation to conservation areas.

Design and Appearance - The changes to the windows and doors, the replacement roof and proposed extension at the rear would improve the appearance of the property. The impact of the conversion of the outbuilding, with a replacement slate roof and timber framed windows and doors, whilst being more 'neutral' would still be in keeping with the property and wider conservation area and would help bring the building into active use and help preserve its structure in the longer term.

The existing car port between No.10 and No.12 is set back from the frontages along this part of Lumb Carr Road. The car port is small but it is dilapidated and does not have a high amenity value within the streetscape. The replacement car port would be a more simple

metal framed structure. It would be set back from the frontage in the same position as the existing car port. With a more minimal frame, it would have a significantly less of a visual impact than the existing structure. The existing vehicular access to the car port would be retained in its present form.

In terms of visual amenity and appearance, the proposal would be acceptable and comply with UDP Policies EN1/2 and H2/3 relating to townscape and extensions.

Residential Amenity - Comments have been received from the attached neighbour at No.12 Lumb Carr Road who is concerned about the impact on light into her kitchen. It is noted that the small kitchen window on the rear elevation is adjacent to the shared side boundary, and indeed looks directly onto the applicant's yard. The window is very small and appears to have been added as a result of the conservatory being built on the rear, over the original kitchen window. Whilst the replacement extension would be slightly closer to boundary and therefore this kitchen window, the impact would not be so significant as to warrant refusal, particularly given this window is to a 'non-habitable' kitchen and does appear to have been reduced in size to cater for the existing conservatory at the rear. It is not unusual to have a single storey extension of this modest scale along the boundary. Indeed the extension only projects out 2.8m which would normally be 'permitted development' in normal circumstances. The requirement for planning permission with regard to the extension comes about due to the Article 4 in place which relates to heritage. It is not considered that the proposal would have a significantly detrimental impact on light over and above the existing situation.

In terms of use, the outbuilding, being within the curtilage of the house, would be restricted to the domestic use by the residents of the property.

The proposal, in terms of residential amenity, is considered to be acceptable and complies with UDP Policy H2/3 Extensions and alterations and associated guidance in SPD6.

Access and Parking - The existing vehicular access from Cross Lane, into the rear yard and the access to the car port from Lumb Carr Road would remain in their current form. As such there is no detrimental impact on highway safety and the proposal would comply with UDP Policy H2/3 in terms of parking and access.

Public Comment - The comments of the neighbour have been addressed in the above report.

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 LCR-RALA-ZZ-XX-DR-A-(PL)-0000/P02, 0001/P01, 0002/P04, 0004/P03 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 and Places for Everyone Joint Development Plan listed.
- 3 Details/Samples of the external finishing materials to be used in the external elevations, windows and doors together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
- 4 The use of the outbuilding shall only be for the purposes ancillary to the residential use of the main dwellinghouse.
Reason. To ensure the proposed use remains ancillary to the principle use on the site.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	19/11/2024	DM -	19/11/2024