

DELEGATED REPORT**Report by** Amanda**Date of report:** 31/03/2022**Ref:**68238/NON

Uhunmwagho

Registration: 22/03/2022**LDFC:****Expiry Date:** 19/04/2022**Site Visit:****Site Notice:** N/A**Press Date:** N/A**Objections:****Con Area:** N/A**Adv Type:** NONE**Reason for Delay:****EIA:** NA

N/A

Dec Level:**Stat Class:** HOUS

Proposal: Non material amendment following approval of planning permission 67406 - Change balustrading of rear balcony from steel to glass and to reposition to 300mm from external wall

Location: 15 Kendal Road, Ramsbottom, Bury, BL0 9SP

Description

Planning permission was granted at this property in December 2021. The applicant has submitted this non-material amendment application as they wish to make a change to that permission.

The approved proposal included a rear first floor balcony with privacy screen erected to the side adjacent to the shared boundary with no.19 Kendal Road. The balustrade originally proposed was to be constructed from steel and it would be set back from the rear outer wall by 500mm in order to help retain privacy levels between users of the balcony and no.19 Kendal Road next door. The applicant now proposes to add a glazed balustrade instead of steel and proposes to set it back from the rear wall by 300mm. The privacy screen to the side would remain as previously approved as would the rest of the development.

Relevant Planning History

67406 - Demolition of single storey garage and rear extension; Two storey side extension with rear balcony - Approve with Conditions 21/12/2021

Publicity

N/A

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant**Unitary Development Plan and Policies**

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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 changes to the rear balcony would not be visible in the streetscape at the front and the only change to the approved proposal would be the new glazed balustrade as oppose to steel and that the balustrade would be 200mm closer to the rear wall that previously. Given the privacy screen to the side of the balcony would remain as approved users of the balcony would still not have any direct views over no.19 Kendal Road next door. As such there would be no significant detrimental impact on both visual or residential amenity and the proposal will still accord with SPD 6. With this in mind the amendment can be treated as non-material.

Recommendation:

Conditions and Reasons:

- 1 The revision to the previous proposal, by the change from a steel balustrade to a

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glazed balustrade on the balcony as well as the balustrade being positioned 300mm set in from the outer wall instead of the previously aproved 500mm will not impact adversely on either residential or visual amenity of the surrounding area. As such it can be treated as a non-material amendment to application ref 67406

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 31/03/2022			