

DELEGATED REPORT

Report by Oliver Sear	Date of report: 28/09/2020	Ref: 65890/LDCP
Registration: 27/08/2020	LDFC: 30/09/2020	Expiry Date: 22/10/2020
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: OTHS

Proposal: Lawful development certificate for proposed garage conversion to form additional living accommodation to dwelling

Location: 12 Turton Close, Bury, BL8 2EE

Description

An application for a lawful development certificate for proposed works to a detached dwellinghouse on Turton Close.

The proposal would see the removal of the existing garage doors and side window to the garage to be replaced with a window and French door respectively

Relevant Planning History

50248 - RAISING OF HEIGHT OF ROOF OF BUNGALOW TO FORM FIRST FLOOR;
SINGLE STOREY EXTENSION AT SIDE; SINGLE STOREY EXTENSION AT REAR -
Approve with Conditions 14/08/2008

50452 - CERTIFICATE OF LAWFUL DEVELOPMENT FOR PROPOSED SINGLE
STOREY DETACHED SUMMER HOUSE - Lawful Development 18/09/2008

09/0071 - NOT BEING BUILT IN ACCORDANCE WITH APPROVED PLANS - 03/03/2009

Publicity

None

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Unitary Development Plan and Policies

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 dwelling is not Listed nor in a Conservation Area.

There is no enforcement in effect and the proposed development would be on land wholly owned or controlled by the applicant.

Permitted Development Rights have not been removed.

The proposal would not take up more than 50% of the area of the curtilage, not including the area of the dwelling.

As such the proposal falls to be development that is required for the improvement of the dwellinghouse.

Having regard to the above the proposal would be lawful as it falls within the limitations of Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As ammended).

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposal as described in the First Schedule, is deemed to be 'Permitted Development' having regard Article 3, Schedule 2, Part 1, Class A of The Town and

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Country Planning (General Permitted Development) (England) Order 2015.

- 2 The materials used in any exterior work shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse as required by condition A.3(a) of Article 3 Schedule 2 Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
O.S	28/09/2020	DM	15/10/2020