

DELEGATED REPORT

Report by Amanda

Date of report: 03/11/2020

Ref:66044/NON

Uhunmwagho

Registration: 12/10/2020

LDfC: 05/11/2020

Expiry Date: 09/11/2020

Site Visit: 26/10/2020

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA:

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 64923 for first floor extension at rear:

Alterations to fenestration to change 2 small bedroom windows to 1 larger window and to provide a small obscure glazed window to en-suite

Location: 9 Penrice Close, Radcliffe, Manchester, M26 3UL

Description

Planning permission was granted at this property in March 2020 for a first floor extension to the rear of the original dwelling. The applicants have submitted this non-material amendment application as they wish to make some changes to windows on the rear elevation as well as adding a window to the side elevation.

Previously two smaller bedroom windows were approved to the rear elevation at first floor level but they are now proposing to install a single larger window, central to the rear elevation. Also on the rear elevation the ground floor patio doors would be split in to two sets of patio doors rather than the wider bi-folding doors which had been approved.

In addition to this an obscurely glazed en-suite window would be installed to the side elevation. There would be no change to the overall size of design of the previously approved extension.

Relevant Planning History

44778 - CONSERVATORY AT REAR - Approve with Conditions 26/07/2005

59179 - Prior notification for single storey extension at rear - Prior Approval Not required 01/10/2015

64923 - First floor extension at rear - Approve with Conditions 05/03/2020

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.

Assessment

There will not be any change to the proposed use of the previously approved extension or its overall size and height. The only change would be to the window size and arrangements to the rear elevation and the addition of an en-suite window to the side.

As the room types would not be changed there would be no seriously detrimental impact on residential amenity at the adjacent properties and the new en-suite window to the side would be obscurely glazed in order to retain privacy levels at both properties. A condition would be added stating that this window would have to remain obscurely glazed at all times. With this in mind the proposed amendments will still accord with SPD 6 and as such can be treated as non-material.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve

Conditions and Reasons:

The revision to the previous proposal, by the change of windows and doors to the rear elevation and the installation of an obscurely glazed en-suite window to the side elevation 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 64923 subject to the following condition.

- 1 Before the first occupation of the extension hereby permitted the first floor en-suite window to the south side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
Au - 03/11/2020		DM	05/11/2020