

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 23/05/2022

Ref:68421/NON

Registration: 10/05/2022

LDfC:

Expiry Date: 07/06/2022

Site Visit: 19/05/2022

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: DEL

Stat Class: HOUS

Proposal: Non material amendment following approved planning permission 67943 - Reduce the side extension depth by 1125mm from existing rear property wall and to add an additional roof lantern to the proposed flat roof.

Location: 15 Turton Close, Bury, BL8 2EE

Description

The application relates to a two-storey semi-detached house on a residential cul-de-sac of similar properties. The attached neighbour has a single storey extension at the rear and the side boundary has extensive trees and shrubbery.

Planning permission was recently granted (67943 / March 2022) for a "Single storey rear extension; Two storey side extension". A non-material amendment is sought following approval of planning permission 67943 to reduce the side extension depth by 112.5cm from existing rear property wall and to add an additional roof lantern to the proposed flat roof.

Relevant Planning History

46140 - Conservatory at side - Approve with Conditions - May 2006

67943 - Single storey rear extension; Two storey side extension - Approve with Conditions
23/03/2022

Publicity

Not required for this type of application.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

Visual amenity - The proposed development involves a modest change in the appearance and size of the rear extension reducing the side extension depth by 112.5cm from existing rear property wall and to add an additional roof lantern to the proposed flat roof.

The applicant has submitted floorplans, that show a slightly smaller building footprint which consequentially results in a slightly lower gable roof for the side extension. The additional roof lantern above the single storey rear extension would be placed alongside and be identical to the lantern already approved. As such the proposals are considered minimal modifications to the previously approved scheme and cause no significant greater harm to visual amenity of the area.

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It is therefore considered that the proposed amendment would not change the character of the originally approved scheme and is considered acceptable as a non-material amendment to approval 67943.

Residential amenity - In terms of overlooking and privacy to the rear, the proposed development involves a modest change in the design of the rear extension reducing the footprint size slightly and incorporating changes to the roof including a roof lantern. The amendment would therefore be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - No changes proposed.

Conclusion - In consideration of the above, it is considered that the proposed NMA would be acceptable in terms of the sitting, scale, and design, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies H2/3 and associated guidance in SPD6.

Recommendation: Approve

Conditions and Reasons:

- 1 The proposed amendments would not affect the character of the originally approved scheme and there would be no adverse impacts on layout, residential amenity or visual amenity. The development would therefore still be in accordance with the principles of planning permission 67943 and the policies against which it was approved.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	23/05/2022		