

DELEGATED REPORT

Report by Jane Langan	Date of report: 16/07/2024	Ref: 70915/NON
Registration: 08/07/2024	LDFC:	Expiry Date: 05/08/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 69499 for a single storey side extension :- Alteration to size of extension to increase width by 130mm and doors added to replace approved front elevation window.

Location: 101 St Anns Road, Prestwich, Manchester, M25 9GE

Description

The property is a detached house located on a corner plot. It has fencing and planting along the side and a boundary wall with railings and gates at the front. There is a parking area at the front and a paved gap to the side leading to a detached outbuilding. The neighbouring property to the side is No.103 and timber fencing separates along the boundary of the site. The side elevation of this neighbouring property has two windows, a small obscure glazed one and a larger plain one.

The application is for a non material amendment to approval 69499 for a single storey side extension. The extension is to be 130mm wider and the front elevation was to have a window which would now be replaced with doors.

Relevant Planning History

55731 - Porch at side/front - Approve with Conditions 27/11/2012

55732 - Demolition of existing garage/store; Erection of single storey outbuilding to form gym, wet room and store - Approve with Conditions 27/11/2012

69499 - Single storey side extension - Approve with Conditions 31/07/2023.

Publicity

None required.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

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), 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.

Issues

The amendment would see a change to the front elevation with the addition of doors instead of a window which would not appear out of place within the extension. The width of the extension would be increased however at 130mm it would be minimal and still have a remaining set in of 480mm to the side boundary. As noted in the original approval the neighbouring No.103 has one small obscure window and one larger plain window which would face on to the blank wall of the proposed extension and SPD6 affords limited weight to side windows and the proposal would not impact on the principle windows to the main aspects of No.103. Given the width increase is minimal at 130mm the amendment is not considered to be a material amendment. The revisions would not significantly alter the approved scheme in terms of the design of the extension or adversely impact on the amenity of the adjacent neighbouring properties. The changes are then acceptable as a non material amendment.

Recommendation: Approve with Conditions

Conditions and Reasons:

The proposed amendment to increase the width of the extension by 130mm and doors added to replace approved front elevation window will not impact adversely on the character of the property or the residential amenity of the neighbours. The amendment will accord with UDP Policy H2/3 - Alterations and Extensions to Residential Properties and the associated Supplementary Planning Document 6 - Extensions and Alterations to Residential Properties and the originally approved scheme reference 69499 and as such can be treated as a non-material minor amendment to the approved plans.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	16/07/24	DM -	17/07/2024