

DELEGATED REPORT

Report by Jane Langan	Date of report: 26/10/2022	Ref: 68950/NON
Registration: 07/10/2022	LDFC:	Expiry Date: 04/11/2022
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: HOUS

Proposal: Non-material amendment following granting of planning permission 65728 - Amendment to size of two windows to the second floor rear elevation of the extension.

Location: 12 Philips Drive, Whitefield, Manchester, M45 7PY

Description

The property is a three storey end town house extended three storey at the side. Parking is to the front and there is fencing along the side and rear enclosing the garden. The rear boundary backs on to a ginnel that runs along the rear of the site row and terraces along Park Lane. Opposite are detached bungalows.

The application is for a non material amendment to approval 65728. The applicant applied for conditions to be discharged including Condition 2, development to be built in accordance with the approved plans. On inspection it was noted that the second floor windows were not as per the approved plan. Nor had the highways works subject to two further conditions been carried out. This application is submitted in order to seek an amendment with regard to two windows to the second floor rear elevation which are taller than those on the approved plan.

Relevant Planning History

65728 - Three storey side extension; External alterations to all elevations - AC 01/10/2020
68397 - Non-material amendment following granting of planning permission 65728 :
Addition of 3 high level obscured windows to ground floor side elevation - Approved.

Publicity

None.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

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.

Issues

The windows located to the second floor rear elevation to the ensuite and wardrobe are taller than those as shown on the approved plan. As noted on application 65728 there is a footpath beyond the rear site boundary and there would be 7.6m to the rear garden boundary to 115 Park Lane. This would comply with SPD6 Aspect Standards and provide sufficient separation distance if the windows were to habitable rooms which a wardrobe room and ensuite are not defined as. The amendment would not significantly alter the approved scheme in terms of the design of the extension or significantly impact on the amenity of the adjacent neighbouring properties. The change is then acceptable as a non material amendment.

The proposed amendment to the size of the two windows to the second floor rear elevation of the extension, as detailed in the application, 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 65728 and as such can be treated as a non-material minor amendment to the approved plans.

DELEGATED REPORT

Recommendation: Approve

Conditions and Reasons:

The proposed amendment to the size of the two windows to the second floor rear elevation of the extension, as detailed in the application, 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 65728 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	26/10/22		