

DELEGATED REPORT

Report by Mo Warsame	Date of report: 03/09/2025	Ref: 72202/NON
Registration: 08/08/2025	LDFC:	Expiry Date: 05/09/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 71998 (single storey front extension):

Change of external finish of extension from vertical cedar panel to brick

Location: 86 Bolton Road, Tottington, Bury, BL8 4JA

Description

Site contains a detached bungalow, which is located in an elevation position within the plot. The access drive is taken from Bolton Road and is the same level as the road. The garage is attached to the bungalow, but is some 2 metres lower than it. Property is surrounded by gardens to front, side and rear.

Properties to west (side) and south (front) are at a lower level than garden area of the dwelling. There are no properties to the north (rear).

Planning permission is sought for a non-material amendment following grant of planning permission 71998 (single storey front extension): to change the external finish of extension from vertical cedar panel to brick.

Relevant Planning History

00957/E - demolition of existing bungalow; erection of new two storey dwelling - Enquiry completed 19/04/2012

53615 - Extensions to and raising height of roof to create first floor; dormers at front and rear with juliette balcony to rear; chimney stack to gable end (opposite no. 88) and roof canopy over garage - Withdrawn by Applicant 31/03/2011

55318 - Demolition of existing dwelling and erection 1 no.dwelling - Withdrawn by Applicant 30/08/2012

55621 - Demolition of existing dwelling and erection of 1 no. dwelling (resubmission) - Approve with Conditions 17/10/2012

58100 - Extension above existing garage with extension to main roof - Approve with Conditions 03/12/2014

71998 - Single Storey Front Extension - Approve with Conditions 29/07/2025

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Development Plan and Policies

H2/3 Extensions and Alterations

EN1/1 Visual Amenity

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6/3	Features of Ecological Value
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework
OL1/2	New Buildings in the Green Belt

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.

Visual Amenity

The overall design of the extension, its footprint and height would remain as previously approved under application 71998. The proposed change of the external finish from vertical cedar panel to brick would be acceptable given, this is common material that would be in keeping with the existing property and the streetscape.

The proposed change would remain acceptable in terms of visual and residential amenity, and would not cause harm in the existing street scene. As such there would be no significant detrimental impact on both visual or residential amenity and the proposal will still accord with SPD 6. With this in mind the amendment can be treated as non-material.

Residential Amenity

The proposed alterations would see no increase in size, and there would be no new windows proposed or alteration to the existing windows. In this instance it is considered that the change from vertical cedar panel to brick would not lead to a loss of residential amenity.

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 with Conditions

Conditions and Reasons:

- 1 The proposed amendments would not impact adversely on the design of the proposed development or the residential amenity of the neighbouring properties. Therefore, the proposal would still be in accordance with the overall principles in terms of the approved application 71998 and the policies against which this was approved. As such, the application is a non-material amendment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	03/09/2025	DM - 03/09/2025	