

DELEGATED REPORT

Report by Helen Leach	Date of report: 26/03/2025	Ref: 71712/NON
Registration: 13/03/2025	LDFC:	Expiry Date: 10/04/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Non-material amendment following grant of planning permission 65114:

Replacement of glazing over windows to first floor with stonework; replacement of box window seat at ground floor with two windows; rear elevation of garage to be sited away from boundary with neighbouring property; lengthen the garage and reduce internal level; reduce height of the property to accommodate existing garden levels of other properties and addition of glazed balustrade to perimeter of garage roof

Location: Ivy Lodge, Ivy Street, Ramsbottom, BL0 9RW

Description

The site forms part of the rear garden to No. 1 Ivy Street. The site is level and there is a lower garden area, which is approximately 2 metres lower. There are a number of mature trees in the lower garden area. Access is taken from Ivy Street and there is parking for 2 vehicles.

There are residential properties to all boundaries.

Planning permission was granted in 2016 for the erection of a dwelling in the rear garden of No. 1 Ivy Street. The proposed dwelling would be single storey at the rear of 1 Ivy Street with a lower ground floor set into the slope of the land.

Planning permission was granted in 2020 for the erection of a dwelling in the rear garden of No. 1 Ivy Street. The proposed dwelling would be single storey at the rear of No. 1 Ivy Street and there would be a lower floor set into the slope of the land. The proposed dwelling would be constructed from stone with a green roof and there would be a balcony along the rear elevation. The site would be accessed from Ivy Street and a ramp would provide access to parking and a garage at the lower level.

Works have commenced on site.

The proposed development involves a non material amendment for the following changes:

- Replacement of glazing over windows to first floor with stonework;
- replacement of box window seat at ground floor with two windows;
- rear elevation of garage to be sited away from boundary with neighbouring property;
- lengthen the garage and reduce internal level;
- reduce height of the property to accommodate existing garden levels of other properties
- addition of glazed balustrade to perimeter of garage roof

Relevant Planning History

59345 - Erection of 1 no. dwelling with associated car parking and landscaping at land to rear of 1 Ivy Street, Ramsbottom. Approved with conditions - 19 January 2016.

65114 - Erection of 1 dwelling at Ivy House, Bolton Road West, Ramsbottom. Approved

with conditions - 14 June 2020.

Publicity

None required.

Statutory/Non-Statutory Consultations

None required.

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
HT4	New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

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.

Replacement of glazing over windows to first floor with stonework - The proposed replacement of glazing over the windows at first floor level with stonework would represent a minor change, which would not change the overall design or character of the proposed dwelling. The proposed amendment would be acceptable.

Replacement of box window seat at ground floor with two windows - It is not clear from the approved plans where the box seat was located. As such, there is insufficient information to assess where the change would be located and what, if any impact it would have on the design of the proposed dwelling.

Rear elevation of garage to be sited away from boundary with neighbouring property - The relocation of the proposed garage would bring the rear elevation of the garage level with the side elevation of the proposed dwelling. No proposed site plan has been provided and as such, it is not clear whether this proposed change would impact upon the parking, the turning arrangements or the amount of residential garden available. As such, there is insufficient information to assess whether this change is non material.

Lengthen the garage and reduce internal level - The approved garage measured 5.5 metres by 7.7 metres and was 3 metres in height. The proposed garage would be increased in size and would measure 7.6 metres by 8 metres and would be 3.5 metres in height. The increase in footprint and height may have an impact upon the neighbouring properties and the impact upon their amenity would need to be assessed. As such, this cannot be considered as a non material amendment.

In addition, no site plan or levels information has been provided As such, there is insufficient information to assess what the impact of lowering the proposed garage would be.

Reduce height of the property to accommodate existing garden levels of other properties - No proposed site plan or levels information has been provided and as such, there is insufficient information to assess the impact of this change.

Addition of glazed balustrade to perimeter of garage roof - The proposed glazed balustrade would result in the small terrace (measuring 2 metres by 4.3 metres) being extended to cover the full extent of the garage roof (measuring 7.6 metres by 8 metres). This would represent a significant increase and the impact on the neighbouring properties would need to be assessed. As such, this cannot be considered as a non material amendment.

Recommendation: Refuse

Conditions and Reasons:

The proposed amendments to the approved plans represent a material change in the enlargement and relocation of the garage and the creation of a large roof terrace. As such the proposal cannot be considered to be a non material amendment as it may impact on matters of material consideration for the determination of the application, namely the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL -	26/03/2025	DM -	26/03/2025