

DELEGATED REPORT

Report by Amanda

Date of report: 07/05/2025

Ref:71863/NON

Uhunmwagho

Registration: 15/04/2025

LDfC:

Expiry Date: 13/05/2025

Site Visit:

Site Notice: N/A

Press Date: N/A

Objections:

Con Area:

Adv Type: N/A

Reason for Delay:

EIA:

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 70404 (Single storey side extension; Two storey rear extension; Widen existing footway crossing); Window changing from full height window to smaller existing window and also removal of cills to match front and side of property

Location: 6 Hamilton Road, Prestwich, Manchester, M25 9GG

Description

Planning permission was previously at this property in April 2024. The applicant has submitted this non-material amendment application as they wish to make a change to that permission.

The proposal is to change the fenestration to the rear elevation from one full length window to a smaller one and also to remove the brick cills under the windows on the rear elevation.

Relevant Planning History

70414 - Single storey side extension; Two storey rear extension; Widen existing footway crossing - Approve with Conditions 09/04/2024

Publicity

N/A

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

PfE Places for Everyone

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.

The only external changes to the previous approval would be the window size and removal of the brick cills to windows on the rear elevation. There would be no changes to the overall size and height of the building. It is considered that the extension would remain acceptable in this location and will not have an adverse impact on residential or visual amenity. As such it can be treated as non-material to application ref 70414.

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

Conditions and Reasons:

- 1 This decision relates to drawing numbered ZT23-196-05 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

- 2 The revision to the previous proposal, by the change of window style and removal of brick cills to windows on the rear elevation will not impact adversely on residential or visual amenity in the surrounding area. As such it can be treated as a non-material amendment to application ref 70414.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 07/05/2025		DM	08/05/2025