

DELEGATED REPORT

Report by Helen Leach	Date of report: 14/08/2024	Ref: 70974/NON
Registration: 19/07/2024	LDFC:	Expiry Date: 16/08/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	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 66293: Amendments to change external materials of proposal. - Timber cladding to composite timber-look cladding - Blue brickwork to red engineering brickwork - Brickwork height increased to 1050mm above DPC - Sliding door opening reduced

Location: Gorsehill, 94 Starling Road, Radcliffe, Bury, BL8 2HH

Description

The application site relates to a isolated dwelling, which is located in the Green Belt. The property is a two storey detached dwelling and is constructed from red brick with a tile roof. The dwelling is at the road level and there is a two storey extension at the rear, which relates to the basement and ground floor. The garden area to the front is at road level and there are steps and a ramp leading to the garden, which is some 2 - 3 metres lower.

To the north of the property is a single storey stables building, which is located on the boundary of the site. It is accessed via a ramp and gate. The site is accessed from Starling Road via two gates with a large tarmac drive to the front.

The site is bounded by open fields to the north, south and west. There are residential dwellings to the south west and northwest of the site.

Planning permission was granted for the demolition of the existing stable building and the erection of a detached dwelling. The proposed dwelling would be 1.5 storeys in height with rooms in the roofspace. The proposed development would be accessed from Starling Road via one of the existing access points. The existing dwelling would be accessed via the second existing access point.

The applicant seeks a non material amendment to change the blue brick to a red engineering brick, the height of the brickwork increased from 0.15 metres to 1.05 metres and the opening for the sliding door would be reduced from 6.5 metres to 4.9 metres.

Relevant Planning History

02417/E - Replacement of existing stables with single detached dwelling at Gorsehill, 94 Starling Road, Bury. Enquiry completed - 25 August 2020

53466 - Stable block to rear of existing detached store at Gorsehill, 94 Starling Road, Bury. Approved with conditions - 10 January 2011.

66293 - Demolition of the existing stables and construction of a single detached dwelling on land adjacent to 94 Starling Road at Gorsehill, 94 Starling Road, Bury. Approved with conditions - 29 July 2021.

Publicity

None required.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

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
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
OL1/2	New Buildings in the Green Belt
HT2/4	Car Parking and 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.

Design and layout - The proposed development would involve a change to the materials from blue engineering brick to a red engineering brick. The proposed change would match the adjacent house in terms of appearance and would not detract from the character of the proposed dwelling.

The proposed increase in height of the brickwork from 0.15 to 1.05 metres would be in proportion with the proposed dwelling and would not detract from the character of the proposed dwelling.

The proposed sliding door would be reduced in width from 6.5 metres to 4.9 metres, which would be acceptable and would not have a significant adverse impact upon the character and appearance of the proposed development.

Therefore, the proposed development would not be unduly prominent in the streetscene and would be in accordance with Policies EN1/1 and EN1/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - The proposed development would make the sliding door opening smaller and as such, would not have an adverse impact upon the amenity of the neighbouring properties.

Recommendation: Approve

Conditions and Reasons:

The proposed amendments would not impact adversely upon the appearance of the site or the residential amenity of the nearby properties. As such, the proposed development would not be unduly prominent in the locality. The proposed amendments would not have a detrimental impact upon highway safety and would still be in accordance with the overall principles in terms of the approved application 66293 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>
HL - 14/08/2024		DM - 14/08/2024	