

DELEGATED REPORT

Report by Jane Langan	Date of report: 15/08/2024	Ref: 71035/NON
Registration: 06/08/2024	LDFC:	Expiry Date: 03/09/2024
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 the grant of planning permission 69272 (Single storey extension at rear and decking at rear with glass balustrade):
Amendment of side elevation material from brick to painted blockwork to match render colour.
Location: 34 Lowther Road, Prestwich, Manchester, M25 9QQ

Description

The property is a semi detached bungalow. It has a garden and parking at the front and a drive along the side which leads to a detached garage. There is a patio at the rear and the garden drops down in levels. The adjoining property is No.32 and is extended at the rear with a conservatory which leads on to an area of decking. Timber fencing runs along the garden boundaries. To the opposite side is a block of flats, 36-56 Wellbank. The ground floor is lower than the site and the side elevation has 3 windows. There are no properties directly at the rear.

The application is for a non material amendment to approval 69272. The side elevation of the extension, to the party wall side, was to be finished in brickwork. It has been constructed in blockwork and, as there is not physical access to the side to render/clad, it is proposed to paint this elevation white. This would be to match the white rendered new extension and the existing property also to be rendered white.

Relevant Planning History

60412 - Dormer at rear - AC 26/08/2016
69272 - Single storey extension at rear; decking at rear with glass balustrade - AC 15/03/2023

Publicity

None required.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

H2/3 Extensions and Alterations
SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

Issues

The proposed amendment would be a minor revision and see the side elevation in a painted white finish to match the render to the new extension and the existing property. The revision would not significantly alter the approved scheme in terms of the design of the extension or adversely impact on the amenity of the adjacent neighbouring properties. The change is then acceptable as a non material amendment.

Recommendation: Approve with Conditions

Conditions and Reasons:

The proposed amendment to the replace the brick finish to the side elevation of the single storey rear extension with a painted white finish, 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 69272 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	15/08/24	DM - 16/08/2024	