

DELEGATED REPORT

Report by Helen Pressley	Date of report: 20/01/2023	Ref: 69191/NON
Registration: 19/12/2022	LDfC:	Expiry Date: 16/01/2023
Site Visit: 19/01/2023	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission (64900) for Two storey side extension including alterations to existing garage; Single storey rear extension; Loft conversion with dormer window.

Amendments to design to permit temporary flat roof construction over two-storey side extension prior to phase 2 work starting

Location: 6 Barnhill Road, Prestwich, Manchester, M25 9NH

Description

The application relates to a semi-detached dwelling located on Barnhill Road. The dwelling has an area of garden and driveway to the front that leads to a single storey attached garage.

Planning permission has been granted for the removal of the exiting single storey attached garage and for the construction of a two storey side extension that projects approximately 4000 mm to the side of the original dwelling. To the rear it is proposed to construct a single storey rear extension that projects approximately 4300 mm from the original rear elevation of the dwelling, and would also project beyond the rear of the two storey side extension. To the rear it is proposed to construct a flat roof dormer.

A non-material amendment following grant of planning permission (64900) for amendments to design to permit temporary flat roof construction over the proposed two-storey side extension prior to phase 2 work starting.

Relevant Planning History

64900 - Two storey side extension including alterations to existing garage; Single storey rear extension; Loft conversion with dormer window - Approve with Conditions 23/12/2019

Publicity

None

Statutory/Non-Statutory Consultations

Not relevant

Pre-start Conditions - None

Unitary 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) and 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 Policy 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 proposal seeks to remove the approved pitched, gable style roof above the two storey side extension and replace this with a flat roof to allow for a phased development.

Taking into consideration the importance of preserving the existing street scene, it is considered that the introduction of a flat roof would impact on the character of the street scene and therefore would need to be assessed accordingly. SPD 6 is clear that flat roof extensions will not be permitted unless they reflect the style of the existing property, and the proposed side extension is located within a highly visible location. Whilst the applicant seeks this amendment to allow a phased build, there is no guarantee that they would eventually add the pitched roof to the extension.

The proposed amendments to the approved plans represent a material change through the

introduction of a flat roof within the street scene that would materially alter the front and side elevations of the dwelling. 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 Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Residential Amenity

It is considered that the change in roof style would not impact on the residential amenity of the neighbours.

Other Considerations

The original planning permission was granted on the 23rd December 2019 and as such if no material start has been made on the application, this permission has now lapsed. The agent acting on behalf of the applicant has been contacted via email and phone to confirm whether or not a material start has been made on the application. No confirmation has been given. A site visit was conducted on the 19th January 2023, and whilst full access was not available to the rear of the site it did not appear that any footings had been dug in relation to the rear extension and work had not started on the side extension.

A non-material amendment can not be approved on a lapsed application.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed amendments to the approved plans represent a material change through the introduction of a flat roof within the street scene that would materially alter the front and side elevations of the dwelling. 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 Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 2 The development of application 64900 has not begun within 3 years. As such the proposal cannot be considered to be a non-material amendment as set out under the Town and Country Planning Act 1990 Section 96A (as amended).

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Helen Pressley	20/01/2023		