

DELEGATED REPORT

Report by Mo Warsame	Date of report: 31/08/2022	Ref: 68662/FUL
Registration: 12/07/2022	LDFC: 07/09/2022	Expiry Date: 06/09/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Installation of 2no. first floor windows to side and rear elevations (retrospective)

Location: 15 Sycamore Drive, Bury, BL9 6TQ

Description

The application relates to a detached dwelling house located on Sycamore Drive. The premises has parking to the front with an area of residential amenity space located to the rear. The premises has been previously extended at single storey to the rear and more recently first floor extension at rear.

Planning permission is sought for the instatallion of 2no. windows: one to first floor side elevation and one to first floor rear elevation. The windows have already been installed, as such this is a retrospective application as they are not built in accordance with approved plans of planning permission 66471.

Relevant Planning History

66471 - First floor extension at rear - Approve with Conditions 17/03/2021
22/0118 - Not built in accordance with approved plans of planning permission 66471 -

Publicity

Neighbours notified on 16/08/2022. No representations received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

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 installation of two windows to first floor side and rear elevations are considered in-keeping with the extended dwelling and these changes would not impact the streetscape at the front of the property. As such there would be no significant detrimental impact on visual amenity and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

The new en-suite window which is positioned on the first floor rear elevation is 1200mm in width, 1060mm in height and fully obscure. The office window to the first floor side elevation is 1210mm in width, 1050mm in height and also fully obscure. The windows are therefore considered to be suitably aligned with existing windows, and the use of matching materials is acceptable. It is considered that the proposal is of a simple, and unobtrusive design that would not result in over development of the associated residential amenity space.

The first floor rear window relates to a non-habitable room (en-suite) while the first floor side office window facing towards No. 17 is obscure and therefore would not have any significant impact on privacy. Overall in this instance it is considered that this retrospective application would not have a detrimental impact on the amenity of neighbours and would

therefore comply with UDP Policy H2/3 and SPD 6.

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 with Conditions

Conditions and Reasons:

- 1 This decision relates to drawings numbered 22028-LP, 22028-BP, LE02 and 22028-01 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 Unitary Development Plan listed.
- 2 The windows subject to this application shall remain obscure glazed.
Reason: To protect privacy pursuant to policy: H2/3 and SPD 6

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	31/08/2022		