

DELEGATED REPORT

Report by Helen

Date of report: 03/09/2020

Ref:65866/NON

Goldsbrough

Registration: 26/08/2020

LDfC: 18/09/2020

Expiry Date: 23/09/2020

Site Visit: 03/09/2020

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 grant of planning permission 63819 for Two storey extension at side/rear; Single storey garage/store extension at side/rear; Single storey extension at rear; Carport at side; Render to elevations:

Reduce the garage by 500mm and move the boundary inwards by 500mm

Location: 41 Hillside Crescent, Bury, BL9 6PZ

Description

The application relates to a detached dwelling house located on Hillside Crescent. The premises has an existing single storey detached garage to the side, but does not appear to have been extended previously.

Planning permission has been granted for the removal of the existing garage and for the construction of:

- Two storey side/rear extension that projects approximately 3500mm to the side, 5000mm to the rear and includes a first floor front set back of 1500mm
- Single storey rear extension that projects approximately 5000mm
- Single storey side/rear extension that projects maximum of approximately 5724mm from the rear of the proposed single storey extension, and approximately 5877mm to the side of the proposed side extension.
- Car port that projects approximately 4700mm

A non-material amendment has been submitted to reduce the garage by 500mm and move the side boundary inwards by 500mm.

Relevant Planning History

02251/E - Side and rear extension - Enquiry completed 31/01/2019

63027 - Two storey extension at side/rear; Single storey garage/store extension at side/rear; Single storey extension at rear; Carport at side; Render to elevations - Withdrawn by Applicant 20/08/2018

63819 - Two storey extension at side/rear; Single storey garage/store extension at side/rear; Single storey extension at rear; Carport at side; Render to elevations - Approve with Conditions 25/03/2019

Publicity

None

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

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 victimization;

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 would see the location of the side wall and garage moved 500mm off the boundary with the adjacent public right of way. When viewed from the front and rear this would lead to a boundary wall that is slightly reduced in height over what was previously approved. It is considered that this alteration is minimal and would not adversely impact on

the overall design of the proposed development.

Residential Amenity

The proposal would not increase the size of the proposed extensions or alterations, would not move them closer to any neighbouring boundaries or include the insertion of any new windows and therefore would not impact on the residential amenity of the neighbouring properties.

The proposed amendments would not impact adversely on the design of the proposed development or the residential amenity of the neighbouring properties. Therefore, the proposal would still be in accordance with the overall principles in terms of the approved application 63819 and the policies against which this was approved. As such, the application is a non-material amendment.

Recommendation: Approve

Conditions and Reasons:

- 1 The proposed amendments would not impact adversely on the design of the proposed development or the residential amenity of the neighbouring properties. Therefore, the proposal would still be in accordance with the overall principles in terms of the approved application 63819 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>
Helen Goldsbrough	03/09/2020	H Leach	08/09/2020