

DELEGATED REPORT

Report by Helen Leach	Date of report: 08/05/2024	Ref: 70675/NON
Registration: 18/04/2024	LDFC:	Expiry Date: 16/05/2024
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 to 69199 - Proposed window added to kitchen, change from timber cladding to composite cladding at first floor.

Location: 1 Two Brooks Lane, Tottington, Bury, BL8 4LA

Description

The property is a stone semi detached house located along a single track road leading from the village of Hawkshaw and which is also public footpath 10TOT. The site and surrounding area is within the Green Belt. The house is two storey with a car port at the side and a conservatory at the rear. To the side is a graveled parking area and to the rear of the house a patio and raised decking with open land beyond at a lower level. The adjoining property is No.3 and sits with its rear elevation level with the site conservatory.

The application is a resubmission of 68146 the amendment being that the single storey would now be 1m deeper and flush to the level of the two storey which would be to the same depth.

Permission was granted for the removal of the conservatory and construction of a two/single storey extension at the rear. It would be two storey to the party wall side 3.3m deep and 5m across then reduce to single storey 3.3m deep for the remainder of the rear elevation. The extension would form a kitchen extension, dining room and additional bedroom and landing at first floor. The plans also note a window to the side elevation to be replaced with a door and smaller window as internal alterations would create a utility room.

The applicant seeks permission for the addition of a kitchen window on the side elevation and the changing of cladding from timber to composite cladding at first floor.

Relevant Planning History

68146 - Single storey / two storey extensions at rear; external alterations at 1 Two Brooks Lane, Tottington. Approved with conditions - 19 May 2022.

69199 - Single storey / two storey extensions at rear; external alterations at 1 Two Brooks Lane, Tottington. Approved with conditions -1 March 2023.

Publicity

None required.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

Development Plan and Policies

H2/3 Extensions and Alterations

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.

Visual amenity - The approved scheme had vertical timber cladding at the first floor and this would be replaced with composite cladding. Whilst this would be a more modern material it would have limited view and the more visible side elevation to the single storey would be stone. Therefore, the proposed change would be acceptable and would not

change the character or appearance of the proposed extension.

Residential amenity - The proposed development seeks to add a window in the side elevation, which would relate to the kitchen. The proposed window would be on the side elevation and would relate to a non habitable room. In addition, the proposed window would overlook the parking area for this dwelling. Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

Recommendation: Approve

Conditions and Reasons:

- 1 The proposed amendments would not impact adversely upon the appearance of the dwelling 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 69199 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 - 08/05/2024		DM - 09/05/2024	