

DELEGATED REPORT

Report by Mo Warsame	Date of report: 04/06/2024	Ref: 70738/NON
Registration: 10/05/2024	LDFC:	Expiry Date: 07/06/2024
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 grant of planning permission 69925: "Two storey side & rear extensions, single storey rear extension and front porch" - Extend the rear/side outrigger by 1.5m

Location: 21 Thatch Leach Lane, Whitefield, Manchester, M45 6EN

Description

The application relates to a two storey, semi-detached dwelling located on Thatch Leach Lane. The dwelling is located on a corner lot on the junction of Thatch Leach Lane and Dalton Avenue. The premises has a driveway to the front accessed from Thatch Leach Lane, and a separate driveway to the side accessed from Dalton Avenue that leads to a detached single garage. The premises has an existing single storey extension to the rear, and private amenity space to the front and side.

Proposal

Planning permission is sought for a non-material amendment following grant of planning permission 69925: "Two storey side & rear extensions, single storey rear extension and front porch" - Extend the rear/side outrigger by 1.5m.

Relevant Planning History

66153 - Two storey side extension with single storey rear infill extension - Approve with Conditions 16/12/2020

69925 - Two storey side and rear extensions; Single storey rear extension and Front porch - Approve with Conditions 01/11/2023

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
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.

Visual amenity

The applicant has submitted amended plans. The proposals are considered minimal modifications to the previously approved scheme and cause no significant greater harm to visual amenity of the area. However, the proposal will not be acceptable due to the addition of the rear/side outrigger which was not originally proposed on application 69925. This would mean an increase in floor space under an application for non-material amendment, which would not be acceptable. Therefore, the application should be re-submitted as a householder.

Residential amenity - In terms of overlooking and privacy to the front and rear, the proposed development involves a modest change. However, due to the proposed increase in floor plans, a householder application would be required. Therefore, the proposed amendment on this application would not comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - No changes proposed.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed amendments to the approved plans represent an increase through the addition of the rear/side outrigger on the rear elevation of the dwelling. As such the proposal cannot be considered to be a non-material amendment as it may impact on 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	04/06/2024	DM - 04/06/2024	