

DELEGATED REPORT

Report by Mo Warsame	Date of report: 14/02/2023	Ref: 69255/NON
Registration: 19/01/2023	LDFC:	Expiry Date: 16/02/2023
Site Visit:	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:

Proposal: Non-material amendment following grant of planning permission 68718 for single storey rear extension:

Change the planned back door from the rear elevation to the side elevation; Remove the planned window on the side elevation

Location: 28 Gisburn Drive, Bury, BL8 3DH

Description

The property is a detached dwelling which is built up from the road in front with a sloping lawn leading down to the road in front. The property has an attached double garage and parking on site in front of the garage for several vehicles. There are no properties directly to the rear of the site while properties to the front of the site are over 20 metres away and are positioned downhill from the site. To the sides are No. 26 Gisburn Drive (east) and No. 30 Gisburn Drive (west), both of which are similar in scale and design as the application property.

Planning permission sought for non-material amendment following grant of planning permission 68718 for single storey rear extension: to change the planned back door from the rear elevation to the side elevation, and the removal of the planned window on the side elevation.

Relevant Planning History

68473 - Lawful development certificate for proposed construction of single storey, flat-roofed rear extension to existing dwelling. - Withdrawn by Applicant 09/08/2022
68718 - Single storey rear extension - Approve with Conditions 19/10/2022

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary 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) 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 proposed development involves a modest change to alter to the planned back door from the rear elevation to the side elevation, and the removal of the planned window on the side elevation.

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.

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It is therefore considered that the proposed amendment would not change the character of the originally approved scheme and is considered acceptable as a non-material amendment to approve 68718.

Residential amenity - In terms of overlooking and privacy to the rear, the proposed development involves a modest change to rear elevation. Therefore, the amendment would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - No changes proposed.

Conclusion - In consideration of the above, it is considered that the proposed NMA would be acceptable in terms of the design, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies H2/3 and associated guidance in SPD6.

Recommendation: Approve with Conditions

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 68718 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>
MW	14/02/2023		