

Description

The proposal relates to an existing residential plot occupied by 1 no. single storey dwelling. It is positioned within a mixed suburban setting containing a variety of dwelling types and designs of varying heights. It is bounded by Sharples Drive at the north and Brookthorpe Road at the east, from where access is taken from, and neighbouring residential plots to the south and west. The site is largely bounded by timber panel fencing, with hedgerow and trees to Brookthorpe Road and trees form a significant feature within the site.

The proposal is for a non-material amendment following grant of planning permission 69142 (demolition of existing dwelling and erection of replacement dwelling including detached garage/annex) to raise floor level and roof level of garage/annex by 300mm. No external alterations are proposed to the elevations.

Relevant Planning History

02732/E - Demolition of existing dwelling and erection of replacement dwelling and attached outbuilding - Enquiry completed 27/07/2022

69142 - Demolition of existing dwelling and erection of replacement dwelling including detached garage/annex - Approve with Conditions 22/03/2023

Publicity

None undertaken.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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.

ASSESSMENT

Visual amenity

UDP policy EN1/2 is concerned with the appearance and design of proposals and impacts on street scene.

The proposed amendments relate only to a negligible increase in the ridge height of the approved annex. Elevations would remain the same as previously approved.

Given the above, the proposal would not have any unacceptable impacts upon visual amenity of the street scene. As such the proposal would comply with the above policies.

Residential Amenity

UDP policy H2/1 is concerned with the amenity of occupiers and neighbouring property.

The annex would be positioned in the south west corner of the plot, immediately adjacent to the vegetated boundary to the adjacent private drive and over 20m from nearest habitable room windows to all surrounding dwellings.

Given these circumstances, and the negligible and imperceptible increase in the height of the ridge, the amendment would not have any unacceptable additional impacts upon surrounding neighbouring amenity.

Conclusion - Section 96A of the Town and Country Planning Act 1990 states that, 'A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.'

The assessment of the proposed development above clarifies that the proposed change would not be material as it would not impact upon the visual amenity, appearance or residential amenity. As such, the proposed development constitutes a non-material amendment.

