

DELEGATED REPORT

Report by Jane Langan	Date of report: 05/04/2023	Ref: 69500/NON
Registration: 24/03/2023	LDFC:	Expiry Date: 21/04/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 68383 for part single/part two storey extension at side and single storey extension at rear: Amendment to first floor windows at rear (2 windows into 1)

Location: 353 Ainsworth Road, Bury, BL8 2LU

Description

The property is a semi detached house. It has a garden and drive to the front and car port at the side. To the rear is a fenced garden and the garden to the property to the rear is screened by planting. The adjoining semi is No.351 and has patio doors to the party wall side then is extended single storey. To the opposite side No.355 is a detached house, slightly higher, and extended single storey at the rear.

The application is for a non material amendment to approval 68383 for a single/two storey extension at side; Single storey extension at rear. The approval included an extended bedroom and the first floor rear elevation was to retain the existing bedroom window and have an additional one adjacent to the extension. The amendment is to extend the existing window to have only one to the bedroom.

Relevant Planning History

68383 - Part single/Part two storey extension at side; Single storey extension at rear - AC 11/07/2022.

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 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.

Issues

The amendment to extend the existing bedroom window to the first floor rear elevation instead of having two separate ones would not see a significant alteration to the scheme as previously approved. The extension as approved complied with SPD6 Aspect Standards and the proposed amendment would not change this. The revision would not significantly alter the approved scheme in terms of the design of the extension or adversely impact on the amenity of the adjacent neighbouring properties. The change is then acceptable as a non material amendment.

Recommendation: Approve

Conditions and Reasons:

The proposed amendment to the windows to the first floor rear elevation, to reduce from two into one, as detailed in the application and on plan ZT22-196-05 will not impact adversely on the character of the property or the residential amenity of the

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neighbours. The amendment will accord with UDP Policy H2/3 - Alterations and Extensions to Residential Properties and the associated Supplementary Planning Document 6 - Extensions and Alterations to Residential Properties and the originally approved scheme reference 68383 and as such can be treated as a non-material minor amendment to the approved plans.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	05/04/23	DM	14/04/23