

DELEGATED REPORT

Report by Tom Beirne	Date of report: 26/11/2025	Ref: 72488/LDCP
Registration: 22/10/2025	LDFC:	Expiry Date: 17/12/2025
Site Visit: 25/11/2025	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: NREQ

Proposal: Lawful development certificate for proposed replacement of existing garage door with part brick work and part half-glazed pedestrian door (Internally, plasterboard the existing garage walls and ceiling and add some shelving and lighting. There will be a small area with a desk / worktop for crafting predominantly)

Location: 4 Hamilton Close, Prestwich, Manchester, M25 9JS

Description

The application seeks approval for a Lawful development certificate for the proposed replacement of the existing garage door with part brick work and part half-glazed pedestrian door with the conversion of the garage to domestic workspace.

Relevant Planning History

57437 - Two storey extension at side - Approved 14/05/2014

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Section 55 of the Town & Country Planning Act 1990 (as amended).

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.

Lawful Development - The bricking up of a garage door within a dwellinghouse and the insertion of a new pedestrian access door would constitute an alteration or improvement to the dwellinghouse under Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such would be lawful.

The conversion of a domestic garage to a habitable use is not a material change of use as such does not constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended).

The proposal is therefore considered to be lawful.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposed operations would constitute an alteration or improvement to the dwellinghouse under Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such would be lawful.

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The conversion of a domestic garage to a habitable use is not a material change of use as such does not constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended).

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	26/11/2025		