

DELEGATED REPORT

Report by Tom Beirne	Date of report: 02/10/2025	Ref: 72278/FUL
Registration: 09/09/2025	LDfC: 30/09/2025	Expiry Date: 04/11/2025
Site Visit: 30/09/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Variation of condition 3 (approved materials) following approval of planning permission 70103 - Change to a render finish

Location: 66 Hathaway Road, Bury, BL9 8EG

Description

The application follows an approval for an extensions and outbuilding in 2023 and relates to a two storey red brick detached house on a residential road. Attached single garage at the rear of the driveway to the side of the house.

The proposal involved the demolition of the existing garage/utility room with a two/single storey rear extension. The extension was to be finished in red brick to match the house.

The applicant now wants to render the house rather than have the proposed brick finish.

Relevant Planning History

70103 - Two storey rear extension with Juliette balcony; Single storey side extension; Outbuilding to the rear - Approve with Conditions 17/11/2023

24/0111 - Not built in accordance with approved plans of planning permission 70103 - 18/03/2024

25/0158 - Not built in accordance with approved plans of planning permission 70103 -

Publicity

Immediate neighbours notified by letter dated 09/09/2025. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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), 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 amended proposal to change the finish to a render would have an impact but this would not be so adverse that it would be seriously detrimental to the appearance of the house or character of the streetscape. The proposal is therefore acceptable and complies with UDP Policy H2/3 and guidance within SPD6 relating to extensions and alterations.

Residential amenity - Given the nature of the amendment, there are no residential amenity issues arising.

Conditions - As the original development has commenced, condition one has been removed. Condition 3 (Materials to match) has also been removed due to the fact the house would be rendered.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 2 This decision relates to drawing numbered 2680-BUR-01-Rev-A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 4 The outbuilding hereby approved shall only be used for for domestic purposes associated with the main dwellinghouse.
Reason. To ensure proper use of the building in the interests of residential amenity pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	02/10/2025	DM	10/10/25