

DELEGATED REPORT

Report by Amanda

Date of report: 15/10/2024

Ref:71191/NON

Uhunmwagho

Registration: 25/09/2024

LDFC:

Expiry Date: 23/10/2024

Site Visit:

Site Notice: N/A

Press Date: N/A

Objections:

Con Area: ALSA

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 68756 (Replacement of conservatory/plinth with Two storey rear extension; Addition of new doors at rear basement level and Raised terrace at rear with glazed balustrade): Change of material from glazed balustrade to metal railings and position of side window on extension to move approximately 200mm across.

Location: 15 Church Lane, Whitefield, Manchester, M45 7NE

Description

Planning permission was previously granted for a two storey rear extension, new doors to the basement and also a raised terrace with a glazed balustrade in November 2022. The applicant has submitted this non-material amendment application as they wish to make a change to that permission.

The proposal is to change the glazed balustrade to the raised terrace and steps to metal railings. The existing wall would also be slightly raised to the east side so that the wall would all be the same level. A window to the side elevation would also be repositioned by 200mm from where it was previously approved. The room type would remain as previously approved.

The design and overall size of the extension would remain as previously approved.

Relevant Planning History

68756 - Replacement of conservatory/plinth with Two storey rear extension; Addition of new doors at rear basement level and Raised terrace at rear with glazed balustrade - Approve with Conditions 16/11/2022

Publicity

N/A

Statutory/Non-Statutory Consultations

Conservation Officer - No objections.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control

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.

The proposal to extend the lower part of the existing wall upto the same height as the west side of the terrace wall and the change from a glazed balustrade to railings would not have any significant detrimental impact on residential amenity at the adjacent properties.

The side window would serve the new dining room and repositioning this window by 200mm would not have any impact on residential amenity. Any views would be over the applicant's own terrace and there is a high brick wall along the boundary.

As the wall to the rear side of the terrace being raised to one side the existing terrace/patio to the east side of the extension would be raised by 200mm. This would be the same level as the terrace to the rear of the approved extension. There would not be any direct views over the neighbouring garden at no.13 as there is a high brick boundary wall in between the two sites and at no.13 there is a single storey side extension and an outbuilding/shed directly adjacent to the boundary.

As such there would be no significant detrimental impact on residential amenity at that property. However, given that the raised area would only be 200mm high any impact on residential amenity would be negligible, and it is noted that the applicant could erect a raised decked area/terrace of upto 300mm as permitted development. Taking the above into account the raising of this area would be considered acceptable in terms of residential amenity.

There would be no changes to the overall size and height of the building. It is considered that the extension would remain acceptable in this location and will not have an adverse impact on residential or visual amenity. As such it can be treated as non-material to application ref 68756.

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

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

Conditions and Reasons:

- 1 The revision to the previous proposal, by the change from a glazed balustrade to the rear terrace to a metal railing balustrade and raised wall, as well as the change of position of the side window will not impact adversely on residential or visual amenity in the surrounding area. As such it can be treated as a non-material amendment to application ref 68756.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 15/10/2024		DM - 15/10/2024	