

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 21/02/2022

Ref:68041/NON

Registration: 07/02/2022

LDFC:

Expiry Date: 07/03/2022

Site Visit: 11/02/2022

Site Notice: N/A

Press Date: N/A

Objections:

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Non material amendment following approval of planning permission 67414- To amend the design to include two small/minor single windows with obscure glazing on the side elevation of the porch for a non-habitable room

Location: 305 Walmersley Road, Bury, BL9 6NX

Description

The application relates to a large Victorian two storey semi-detached house on the A56, a main arterial road which is surrounded by a mixture of property types including an adjacent shop and a 4-storey block of flats opposite. The existing side porch appears to have been built as part of the original property and incorporates an arched doorway with a monopitch roof. The attached neighbour also has a single storey side porch extension. There are no trees or shrubbery along the boundary, with the nearest neighbour on that side being a single storey retail unit (convenience store).

Planning permission was recently granted (67414/ Oct 2021) for a "Single storey side extension; Rebuilding of boundary wall". A site visit shows that some structural work has commenced but the applicant has stated that this work is on pause while awaiting the outcome of the NMA application.

Relevant Planning History

67414 – Single storey side extension; Rebuilding of boundary wall – Approved Oct 2021.

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

EN1/1 Visual Amenity

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.

Visual amenity - The proposed development involves a modest change in the appearance and size of the porch extension incorporating two side windows with a design matching upper floor windows on the same elevation.

The applicant has submitted elevations. The proposals are considered minimal

modifications to the previously approved scheme and cause no significant greater harm to visual amenity of the area.

It is therefore considered that the proposed amendment would not change the character of the originally approved scheme and as such considered acceptable as a non-material amendment to approval 67414.

Residential amenity - In terms of overlooking and privacy to the rear, the proposed development involves a modest change in the design of the porch extension incorporating two side windows which will have obscure glazing. The amendment would therefore be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Conclusion – In consideration of the above, it is considered that the proposed MHA would be acceptable in terms of the design, and scale, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies H2/3 and associated guidance in SPD6.

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 with Conditions

Conditions and Reasons:

- 1 The proposed amendments would not impact adversely on the design of the proposed development or the residential amenity of the neighbouring properties. Therefore, the proposal would still be in accordance with the overall principles in terms of the approved application 67414 and the policies against which this was approved. As such, the application is a non-material amendment.
Reason: For the avoidance of doubt.
- 2 Before the first occupation of the extension hereby permitted the windows on the side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	18/2/22	DM	21/2/22