

DELEGATED REPORT

Report by Tom Beirne	Date of report: 23/02/2023	Ref: 69287/NON
Registration: 27/01/2023	LDFC:	Expiry Date: 24/02/2023
Site Visit: 07/02/2023	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: MIDW

Proposal: Non-material amendment following grant of planning permission 68209 for replacement detached house, detached summer house in rear garden, boundary fence and new driveway: External Changes to window and door openings of house and summer house

Location: 26 Hillingdon Road, Whitefield, Manchester, M45 7QN

Description

This application relates to a vacant residential plot on a residential road of similar styled properties. where a detached dwelling has recently been demolished. There are detached two storey houses on either side of the plot and directly across Hillingdon Road. The rear garden is long with detached dormered bungalows to the rear, on Ferndale Avenue.

The previously application was approved in June 2022 and proposed a replacement house house on the site. The main proposed changes include:

- Main house north/side elevation - The proposed amendments to windows in the main house involve omitting the kitchen window and door and increasing the size of the prayer room on the floor and two ground floor utility and cloakroom. All side windows are obscure glazed. Omitting a roof light and rearranging others.
- Main house south/side elevation - Small ground floor cloak room window and roof light omitted.
- Rear elevation - Roof lantern added to single storey rear extension. Reconfiguration of first floor windows. Juliet balcony maintained in its approved form.
- Front elevation - Simplified appearance, omitting second floor windows in gables.
- Summerhouse - The summer house would be slightly reduced in length, from 11.7m to 10m. The height would be the same. The windows facing into the garden would be slightly reconfigured. No windows on either side or rear.

Relevant Planning History

67281 - Raise roof ridge height to form second floor; Two storey extension at front/side/rear & single storey rear extension with balcony above; Erection of detached summerhouse at rear; New boundary wall/fence and new driveway/vehicular access - Refused 07/10/2021

67669 - Raise roof ridge height; Two storey extension at front/side/rear and single storey rear extension; Erection of detached summerhouse at rear; New boundary wall/fence; New vehicular access; Rear juliet balcony
- Approve with Conditions 07/01/2022

68060 - Two storey rear/front/side extensions; Raise roof height; New boundary walls; Detached summer house; New vehicular crossing; Juliet balcony - Withdrawn by Applicant 15/03/2022

68209 - Replacement detached house, detached summer house in rear garden, boundary fence and new driveway - Approve with Conditions 15/06/2022

23/0044 - Summer house in rear garden not built in accordance with approved plans of planning permission 68209 -

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development

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

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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 - Main house north/side elevation - The proposed amendments to windows in the main house involve omitting the kitchen window and door and increasing the size of the prayer room on the floor and two ground floor utility and cloakroom. All side windows are obscure glazed. Omitting a roof light and rearranging others.

Main house south/side elevation - Small ground floor cloak room window and roof light omitted.

Rear elevation - Roof lantern added to single storey rear extension. Reconfiguration of first floor windows. Juliet balcony maintained in its approved form.

Front elevation - Simplified appearance, omitting second floor windows in gables.

Summerhouse - The summer house would be slightly reduced in length, from 11.7m to 10m. The height would be the same. The windows facing into the garden would be slightly reconfigured. No windows on either side or rear.

The alterations to the approved scheme are not considered to be significant and would have no material impact on visual or residential amenity. There are no changes proposed for access. As such the changes would be considered as non-material, comply with UDP Policy and would be acceptable.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 revisions to the previous approval - omitting/amending window and door openings and reduction in length of summerhouse would not impact adversely on either residential or visual amenity of the surrounding area. As such the changes are considered acceptable as a non-material amendment to application 68209.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	23/02/2023	DM	23/02/23