

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 04/02/2022

Ref:67972/NON

Registration: 12/01/2022

LDfC:

Expiry Date: 09/02/2022

Site Visit: 31/01/2022

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 grant of planning permission 67539 for two storey/single storey rear extension with access to rear balcony, alterations to front elevation including canopy:

Existing rounded bay to be rebuilt into rectangular bay with hipped roof

Location: 443 Bury & Bolton Road, Radcliffe, Manchester, M26 4LJ

Description

The application relates to a large, detached house in the Green Belt on the A58 bounded by open fields to the north, and south but within a linear group of other large properties with large gardens all with a substantial distance to the rear boundary.

Planning permission was recently granted (67539/ Nov 2021) for a “two storey/single storey rear extension with access to rear balcony, alterations to front elevation including canopy”. A site visit shows there is some evidence of workers on site but no structural work has yet commenced.

Planning permission is sought for a non-material amendment (NMA) for the “existing rounded bay (with gable roof) at the front elevation to be rebuilt into rectangular bay with hipped roof”

Relevant Planning History

67539 – Two storey/single storey rear extension with access to rear balcony, alterations to front elevation including canopy – Approved with conditions Nov 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

OL1 Green Belt

SPD 9 Conversion and Re-use of Buildings in the Green Belt

EN9/1	Special Landscape Areas
EN1/2	Townscape and Built Design
EN1/1	Visual Amenity
SPD 9	Conversion and Re-use of Buildings in the Green Belt
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) 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.

Impact on the surrounding area - The proposed development involves a modest change in the appearance and size of the bay window and therefore would have a minimal impact on the openness of the Green Belt.

The applicant has submitted elevations and floorplans. The proposals are considered minimal modifications to the previously approved scheme and cause no significant greater harm to the openness of the Green Belt.

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 67539.

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 OL1, H2/3 and associated guidance in SPD6.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The proposed amendments to change the design of the front bay window and associated roof section would not affect the character of the originally approved scheme and there would be no adverse impacts on layout, access, residential amenity or the site as a whole. The development would therefore still be in accordance with the principles of planning permission 67539 and the policies against which it was approved.

- 2 This NMA relates to drawings for proposed elevations and floorplans as submitted on 03/02/2022.
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 listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	04/02/2022		