

DELEGATED REPORT

Report by Mo Warsame	Date of report: 28/04/2025	Ref: 71760/NON
Registration: 24/03/2025	LDFC:	Expiry Date: 21/04/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 71558 (single storey rear extension):
Extension is currently down as brickwork to match existing but the client would like to render the rear extension

Location: 168 Scobell Street, Tottington, Bury, BL8 3DD

Description

The property is semi detached house with drive to the front and gated garden. It has a gap to the side leading to a fenced rear garden. The outhouse as shown on the existing plans has been demolished. To the side of the proposal is No.170 Scobell Street an end terrace which is separated by an access track for the rear of the terraces. The side elevation has a window at ground floor and a small one at first floor. To the rear the site borders No. 11 Linden Crescent. The property is slightly set to the left of No.168. There are no properties directly opposite at the front.

Non-material amendment sought for render finish to be applied to the rear elevation extension. Application relates to planning permission granted under 71558.

Relevant Planning History

61303 - Two storey extension at side/rear - Approve with Conditions 15/05/2017

71558 - Single storey rear extension - Approve with Conditions 19/03/2025

Publicity

N/A

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 overall design of the extension, its footprint and height would remain as previously approved under application 71558. The addition of render would be on the rear elevation only and would therefore not be visible in the streetscape. This would be the only amendment.

The proposed changes would remain acceptable in terms of visual and residential amenity, and would not cause harm in the existing street scene. As such there would be no significant detrimental impact on both visual or residential amenity and the proposal will still accord with SPD 6. With this in mind the amendment can be treated as non-material.

Residential Amenity

The proposed alterations would see no increase in size, and there would be no new windows proposed or alteration to the existing windows. In this instance it is considered that the change (render) would not lead to a loss of residential amenity.

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 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 71558 and the policies against which this was approved. As such, the application is a non-material amendment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	28/04/2025	DM	02/04/25