

DELEGATED REPORT

Report by Mo Warsame	Date of report: 24/04/2023	Ref: 69515/NON
Registration: 30/03/2023	LDFC:	Expiry Date: 27/04/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 69084 - Existing window to be replaced with bifolding doors on side elevation

Location: 1 Martingale Close, Radcliffe, Manchester, M26 4YA

Description

The application relates to a detached dwelling house located on Martingale Close. The premises has a driveway and open plan garden to the front, with an area of private amenity space to the rear.

Planning permission sought for non-material amendment following grant of planning permission 69084 for the replacement of existing window with bi-folding doors on side elevation.

Relevant Planning History

60447 - Certificate of lawfulness for proposed removal of existing conservatory frame and below brickworks of the walls and in its place utilising the same foundations/slab and footings construct a new single storey extension with pitched roof - Lawful Development 02/09/2016

63434 - First floor extension at side - Withdrawn by Applicant 10/12/2018

63985 - First floor extension at side - Approve with Conditions 23/05/2019

69084 - First floor extension at rear and Installation of first floor windows to side elevations - Approve with Conditions 01/02/2023

22/0201 - Erection of fencing - 10/06/2022

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

H2/3 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.

Visual amenity - The proposed development involves a modest change. The existing window on the side would be replaced with bi-folding doors.

The applicant has submitted amended plans. 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 is considered acceptable as a non-material amendment to approve 69084.

Residential amenity - In terms of overlooking and privacy, the proposed development involves a minor change to the side elevation. Therefore, the amendment would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - No changes proposed.

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

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 69084 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	24/04/2023	DM	26/04/23