

Description

The property is a detached house located on a corner plot on a residential estate. It has been recently extended following planning permission 65834 and this application is for non material amendments.

The amendments include a change in design to two ground floor windows to the front elevation. The garage has been converted to a study and the garage door replaced with a window. To the south side elevation the two ground floor windows are smaller than those as approved. To the rear elevation a lounge window has been changed to patio doors and the living room doors are repositioned with two slim windows either side. The extension was to be built in brick and this is amended to be white render to the new and existing walls.

The alterations have already been carried out and this application has been submitted following investigation by, and advice from, the Enforcement Team.

Relevant Planning History

65834 - Two storey extension at side, first floor extensions at side and rear, single storey extension at side/rear and single storey extension at front - AC 05/10/2020.

Publicity

None.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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.

Issues

The alteration to the approved windows and doors are minor alterations to the previously approved scheme. The conversion of a garage to a habitable room and replacing the door with a window is generally permitted development and therefore is not considered to be a material change. Render is a popular domestic finish and it is not uncommon on the estate. Its use on the property would not see an out of character development.

The revisions would not significantly alter the approved scheme in terms of the design of the extension or adversely impact on the amenity of the adjacent neighbouring properties. The changes are then acceptable as a non material amendment.

The window to the ensuite to the north side elevation has been fitted with obscure glazing in accordance with condition 4 of 65834. An advisory is added as a reminder that it must be maintained as such.