

DELEGATED REPORT

Report by Amanda

Date of report: 14/06/2024

Ref:70731/NON

Uhunmwagho

Registration: 07/05/2024

LDFC:

Expiry Date: 04/06/2024

Site Visit: 22/05/2024

Site Notice: N/A

Press Date: N/A

Objections:

Con Area:

Adv Type: NONE

Reason for Delay:

EIA:

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 69810: Flat roof and railings to the part side extension to improve the appearance of the house, (Balcony is just for appearance purposes only) and pitched roof to a hipped roof for first floor side extension.

Location: 113 Randale Drive, Bury, BL9 8NE

Description

Planning permission was granted at this property in October 2023. The applicant has submitted this non-material amendment application as they wish to make a change to that permission.

The proposed change is to change the approved pitched roof to the first floor side extension to a hipped roof (no height increase), change the hipped roof of the approved ground floor side extension to a flat roof as well as adding railings to the edge of the flat roof for decorative purposes. The design and size of the extension would remain as previously approved.

Relevant Planning History

69810 - New front porch; Single storey side extension; single storey / two storey side extension; loft conversion including 2 no. dormer windows to the front; rear dormer extension and external alterations - Approve with Conditions 18/10/2023.

Publicity

N/A

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

PFE Places for Everyone

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.

The change to the pitched roof to the side extension to a hipped roof would remain in-keeping with the rest of the dwelling and there would be no height increase.

The change from a hipped roof to a flat roof on the ground floor section of the side extension, along with the addition of railings to the ground floor roof would not have any significant;y detrimental effect on visual amenity in this location and th extension would still remain in-keeping with the rest of the building. As such the amendment can be treated as non-material.

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

Conditions and Reasons:

- 1 The revision to the previous proposal, by the change of roof style to the first floor side extension from a pitched roof to a hipped roof, the change from a hipped roof above the ground floor side extension to a flat roof and the addition of railings to the flat roof area, will not impact adversely on either residential or visual amenity of the surrounding area. As such it can be treated as a non-material amendment to application ref 69810.

- 2 The proposed flat roof to the south side elevation with decorative railings shall not be used as a balcony at any time.
Reason - In the interest of residential amenity at adjacent properties and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 14/06/2024		DM - 14/06/2024	