

DELEGATED REPORT

Report by Jane Langan	Date of report: 04/11/2020	Ref: 66084/NON
Registration: 20/10/2020	LDfC: 11/11/2020	Expiry Date: 17/11/2020
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Non material amendment following approval of 64766- Reduce the size of the dormer

Location: 16 Westbury Close, Bury, BL8 2LW

Description

The site is a semi detached bungalow located on a cul de sac. It has a garden to the front and drive along the side. To the rear it has been extended with a single storey and a dormer. The neighbouring properties are the same bungalow types, the adjoining being No.14, and to the opposite side No.18 which has a drive to the side of the site and a car port.

The application is for a non material amendment to approval 64766 which was for a front porch and front dormer. The amendment is for the dormer to be reduced in depth. It was to be set back 1m from the front wall and would now be 1.8m, the width would remain as previously approved.

The previous application, whilst a householder development, and would normally have been dealt with under delegated powers was dealt with by the planning committee as the applicant is related to a member of staff. As a non material amendment this application can be dealt with under delegated powers.

Relevant Planning History

61161 - Prior notification for proposed single storey rear extension - Prior Approval Not Required - Extension 24/03/2017
64629 - Front porch extension and dormer extension at front - AC 22/01/20.

Publicity

None.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary 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) 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 amendment would see the dormer reduced in depth to have more of a set back with the width retained. The estate on which the site is located is characterised by dormers of various sizes and designs. This revision would not significantly alter the approved scheme in terms of the dormer design or adversely impact on the amenity of the adjacent neighbouring properties. The change is then acceptable as a non material amendment.

Recommendation: Approve with Conditions

Conditions and Reasons:

The proposed amendment to reduce the depth of the dormer as detailed in the application and on plan 16WC/202/PL Rev P3 will not impact adversely on the character of the property or the residential amenity of the neighbours. The

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amendment will accord with UDP Policy H2/3 - Alterations and Extensions to Residential Properties and the associated Supplementary Planning Document 6 - Extensions and Alterations to Residential Properties and the originally approved scheme reference 64766 and as such can be treated as a non-material minor amendment to the approved plans.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	04/11/20	DM	13/11/20