

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 31/01/2022	Ref: 67995/NON
Registration: 19/01/2022	LDfC:	Expiry Date: 16/02/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 66225 for single storey side/rear extension:

Reduction in size to existing approval and change in windows

Location: 49 Bolton Road, Tottington, Bury, BL8 4JA

Description

The application site relates to a stone built semi-detached cottage. It fronts a main road. There is a garden to the side and rear with a large hedge on the perimeter and there is a shed on the eastern boundary. There is parking for 2 vehicles to the side of the dwelling. the site is located in the Green Belt, River Valley, Special Landscape area and West Pennine Moors.

The site is bounded by open fields to the east, west and south. There are two dwellings to the north west and open fields.

Planning permission was granted in February 2021 for the erection of a single storey side extension plus a further small extension to a boot room of approx 3 cubic metres. The parking at the side of the property would be retained.

The applicant seeks a non material amendment (NMA) for the reduction in size of the proposed single storey extension to delete the boot room from the scheme and re-configure the window openings.

This NMA is a resubmission of a NMA ref 67531 which was refused due to lack of information to ascertain the dimensions of the proposed development.

Relevant Planning History

60389 - First floor side extension and alterations to elevations - Approve with Conditions 15/09/2016

66225 - Single storey side/rear extension - Approve with Conditions 17/02/2021

67531 - Non-material amendment following grant of planning permission 66225 for single storey side/rear extension:Extension to be reduced in size - Refused - lack of information 14/01/2022

Publicity

N/a

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

EN1/1 Visual Amenity

EN1/2	Townscape and Built Design
OL1/2	New Buildings in the Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework

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.

Impact on the surrounding area - The proposed development involves a reduction in the size of the proposed extension and therefore would have less of an impact on the openness of the Green Belt.

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The applicant has submitted a floor layout plan which shows the boot room has been deleted from the scheme. the re-configuration of the elevations would comprise a larger sliding doors to be inserted to the east and south elevations which are considered minimal modifications to the previously approved scheme and cause no significant greater harm to the openness of the Green Belt.

It is therefore considered that the proposed amendments would not change the character of the originally approved scheme and as such considered acceptable as a non-material amendment to approval 66225.

Recommendation: Approve

Conditions and Reasons:

- 1 The proposed amendments to reduce the size of the extension would not affect the character of the originally approved scheme and there would be no adverse impacts on layout, access, residential amenity or the site as a whole.
The development would therefore still be in accordance with the principles of planning permission 66225 and the policies against which it was approved.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	31/1/22		