

Description

The property is a semi detached bungalow. It sits in a raised position from the footpath with garden to the front and a drive to the side. The adjoining semi is No.24 and to the opposite side is 1 Settle Close, the same house type extended with a front dormer.

The application is for a non material amendment to approval 68585 for a loft conversion with front dormer. The dormer walls were to be tile hung to match the roof and the amendment is for them to be pvc clad in anthracite grey. The form notes the revisions have been submitted for aesthetic reasons.

Relevant Planning History

66026 - Prior notification for proposed single storey rear extension - Prior Approval Not Required - 11/11/2020.

68585 - Loft conversion with front dormer - AC 05/09/2022.

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 proposed front dormer was to be tile hung to match the main roof. The adjoining No.24 has consent for one of the same size and to be tile hung. Whilst the site property would then be in a different material, the cladding would be anthracite grey and then of a similar colour. Dormers are a common feature on the estate and are in a variety of materials and colours. As such the proposed amendment would not result in an out of character development. The revision would not significantly alter the approved scheme in terms of the design of the roof extension or adversely impact on the amenity of the adjacent neighbouring properties. The change is then acceptable as a non material amendment.