

DELEGATED REPORT

Report by Mo Warsame	Date of report: 20/10/2025	Ref: 72426/NON
Registration: 01/10/2025	LDFC:	Expiry Date: 29/10/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 71796 (Single storey side extension and conversion of existing garage to living accommodation with new pitched roof):
Changes to front elevation window

Location: 25 Lindale Avenue, Bury, BL9 8ED

Description

The property is a semi detached dwelling located within a residential street. There is a drive to the front, a garden to the rear and a school playing ground beyond.

Planning permission sought for non-material amendment following grant of planning permission 71796 for the replacement of front window with slightly larger window on the front elevation.

Relevant Planning History

71796 - Single storey side extension and conversion of existing garage to living accommodation with new pitched roof - Approve with Conditions 12/06/2025

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), 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.

Visual amenity

The proposed development involves a modest change. The existing window approved under application 71796 would be replaced with slightly more larger window.

The proposed amendment would be considered to be minimal when compared to the previously approved scheme (71796). Therefore, the replace of the front window would cause no significant greater harm to visual amenity of the area.

As such, the proposal would be considered acceptable given, the proposed amendment would not change the character of the originally approved scheme (71796).

Residential amenity

In terms of overlooking and privacy, the proposed development involves a minor change to the front elevation. Therefore, the amendment would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - No changes proposed.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The proposed amendments would not impact adversely on the design of the proposed development or the residential amenity of the neighbouring properties. Therefore, the proposal would still be in accordance with the overall principles in terms of the approved application 71796 and the policies against which this was approved. As such, the application is a non-material amendment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	20/10/2025	HL -	23/10/2025