

DELEGATED REPORT

Report by Mo Warsame	Date of report: 30/04/2024	Ref: 70645/NON
Registration: 08/04/2024	LDFC:	Expiry Date: 06/05/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 70039: Amendment to roof design from pitched to flat, addition of lantern roof light and minor amendments to windows/external doors

Location: 6 Conway Crescent, Tottington, Bury, BL8 4EG

Description

The property is a red brick bungalow on a residential cul-de-sac. The premises has a drive to the front, garage to the side and a garden to the rear. The properties on either side are No.4 and No.11

Planning permission sought for a Non-material amendment following grant of planning permission 70039: Amendment to roof design from pitched to flat, addition of lantern roof light and minor amendments to windows/external doors.

Relevant Planning History

48668 - SINGLE STOREY SIDE EXTENSION; DETACHED GARAGE AT REAR - Approve with Conditions 08/11/2007

70039 - Single storey rear extension - Approve with Conditions 20/10/2023

Publicity

None.

Statutory/Non-Statutory Consultations

None.

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 rear extension is located entirely to the rear of the property and as such would have no impact on the character of the street scene. The proposed rear extension would not increase in footprint, matching materials are still proposed. Additionally, the proposed windows/doors would align with the existing. The change from a pitch roof to a flat roof with lantern would not impact on the character of the dwelling. In this instance it is considered that the change in design does not materially alter the character of the originally approved scheme under application 70039.

Residential Amenity

The proposed alterations would see no increase in projection, and no new windows proposed. In this instance it is considered that the change in roof would not lead to a loss of residential amenity.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve

Conditions and Reasons:

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- The proposed amendments would not impact adversely on the design of the proposed development or residential amenity of neighbouring properties. Therefore, the proposal would still be in accordance with the overall principles in terms of the approved application 70039 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	30/04/2024	DM	03/05/2024