

DELEGATED REPORT

Report by Jane Langan	Date of report: 25/01/2022	Ref: 67979/NON
Registration: 14/01/2022	LDFC:	Expiry Date: 11/02/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: NONE
Reason for Delay: N/A		EIA: Dec Level: DEL Stat Class: HOUS

Proposal: Non material amendment following approval of planning permission 65566 - Round Bay window on front to be changed to square bay window

Location: 441 Bury And Bolton Road, Radcliffe, Manchester, M26 4LJ

Description

The property is a bay fronted semi detached house. It has a garden and drive to the front and an attached garage at the side which has part of the kitchen to the rear of it. From the rear of the house is a patio and the lawn is at a higher level. Beyond the rear boundary are fields and the site and surrounding area is within the Green Belt. The adjoining neighbour is No.439 and to the rear has the same layout with patio doors in the form of a bay. To the opposite side 443 is a detached house and around half a storey lower with the side wall blank.

The application is for a non material amendment to 65566, approval for a single storey front extension, two storey side extension and single storey side/rear extension. The single storey front extension was to have curved brick to the base of the front bay. The amendment seeks to construct this as a square bay, with the same footprint, as the applicant has been unable to source curved brick.

Relevant Planning History

65566 - Single storey front extension, two storey side extension and single storey side/rear extension - AC 29/07/2020.

Publicity

None.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

OL1	Green Belt
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 property as existing has two curved bay windows to the ground and first floor front elevation. Approval 65566 was for the new front extension to have one to match. This amendment would see the base of the bay of a squared design, the size of the extension and the roof design would remain as previously approved. The amendment is considered to be a minor alteration and one that would not significantly alter the approved scheme in terms of the design of the extension 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 alter the round bay to a square bay as detailed in the application and on plans ZT20-196-06, ZT20-196-07 will not impact adversely on the

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character of the property or the residential amenity of the neighbours. The 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 65566 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	25/01/22		