

DELEGATED REPORT

Report by Amanda

Date of report: 25/08/2023

Ref:69986/NON

Uhunmwagho

Registration: 09/08/2023

LDfC:

Expiry Date: 06/09/2023

Site Visit: 22/08/2023

Site Notice: N/A

Press Date: N/A

Objections:

Con Area:

Adv Type: N/A

Reason for Delay:

EIA:

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 68836 for raised balcony with glazed balustrade/external stairs at rear: Balcony has been made smaller; Stair garden access has been removed; Both sides to be 1.8m tall in obscure glazing

Location: 5 Young Street, Ramsbottom, Bury, BL0 9HS

Description

Planning permission was granted at this property in November 2022. The applicant has submitted this non-material amendment application as they wish to make a change to that permission.

The proposed change would be to remove the external staircase and also reduce the size of the balcony from 6m x 2.5m to 5.05m x 2.46m. The height of the balcony would remain the same and there would be a 1.8m high privacy screen installed to both sides.

Relevant Planning History

68836 - Raised balcony with glazed balustrade/external stairs at rear - Approve with Conditions 17/11/2022

Publicity

N/A

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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.

The changes to the previously approved balcony would result in a smaller balcony. It would be the same height as previously approved and the 1.8m high privacy screen to both sides would ensure that privacy levels would be retained between users of the balcony and neighbouring properties and gardens.

The proposed changes would remain acceptable on the dwelling in terms of visual amenity and would not cause harm in the existing street scene. As such there would be no significant detrimental impact on both visual or residential amenity and the proposal will still accord with SPD 6. With this in mind the amendment can be treated as non-material.

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.

DELEGATED REPORT

Recommendation: Approve

Conditions and Reasons:

- 1 The revision to the previous proposal, by the reduction of size of the balcony and removal of the external staircase will not impact adversely on either residential or visual amenity of the surrounding area. As such it can be treated as a non-material amendment to application ref 68836.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU -	25/08/2023	DM	25/08/23