

DELEGATED REPORT

Report by Helen Pressley	Date of report: 16/01/2023	Ref: 69160/NON
Registration: 06/01/2023	LDFC:	Expiry Date: 03/02/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission ref no. 66938 - Addition of 2no. Sky lights above dining room area; Change of 4 way bio-folding door to 3 way with addition of 1no. floor to ceiling fixed window; Footprint to gym area looking into garden reduced; Standard window within gym area changed to floor to ceiling skinny fixed window and Addition of a 2 way opening window within gym area with frosted glass to the back wall overlooking garden.

Location: 5 Inglewood Close, Bury, BL9 7LD

Description

The application relates to a two storey detached dwelling located on Inglewood Close. The property has a shared driveway with No. 1 and 3 and has an existing single storey conservatory to the rear, and a detached garage at the rear.

Planning permission has been granted for a single storey rear extension that projects approximately 1.5 metres to the side, and a maximum 6.3 metres to the rear.

Non-material amendment has been submitted in relation to:

- Addition of 2no. Sky lights above dining room area;
- Change of 4 way bio-folding door to 3 way with addition of 1no. floor to ceiling fixed window;
- Footprint of gym area looking into garden reduced to 5900mm;
- Standard window within gym area changed to floor to ceiling skinny fixed window; and
- Addition of a 2 way opening window within gym area to frosted glass to the back wall overlooking garden.

Relevant Planning History

66938 - Single storey extension at rear and side with balcony and glass balustrade - Approve with Conditions 23/07/2021

67821 - Single storey extension at side/rear with balcony and glass balustrade - Refused 07/01/2022

22/0339 - Not built in accordance with approved plans 66938 - 08/12/2022

Publicity

None

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not applicable

Unitary Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
H1/1	Housing Land Allocations
EN1/2	Townscape and Built Design

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.

Visual Amenity

The insertion of sky lights would not be visible from the public realm. The re-configuration of the glazing associated with the bi-folding door to the rear to include a reduced door, and

single window would be of a similar alignment to the originally approved scheme.

The window within the side elevation of the proposed gym area would be in the same location as the originally approved window but would be a different style. The proposed high level window within the rear elevation would be a new addition to the scheme. Neither of these amended/new openings are immediately visible to the public realm and would not materially alter the design of the proposal.

The reduction in overall projection from 6.3 metres to 5.9 metres would not materially alter the layout of the scheme.

As such it is considered that the proposal would not materially alter the design of the proposal beyond what was originally approved.

Residential Amenity

- Due to the nature of rooflights no overlooking foreseen
- Proposed reduction to the bi-folding doors and new window would not increase the level glazing associated with this element of the proposal.
- Proposed side window to gym would still relate to non-habitable room and would be located in a side elevation that is screened by fencing on the shared boundary.
- Proposed new high level window within rear elevation would relate to a non-habitable room, indicated on the plan to be frosted glass as such no loss of privacy is foreseen.
- Projection of extension is proposed to be reduced.

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 66938 and the policies against which this was approved. As such, the application is a non-material amendment.

Recommendation: Approve

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 66938 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>
HP	16/01/2023	DM	17/01/2023