

DELEGATED REPORT

Report by Amanda

Date of report: 11/01/2022

Ref:67959/NON

Uhunmwagho

Registration: 07/01/2022

LDFC:

Expiry Date: 04/02/2022

Site Visit:

Site Notice: N/A

Press Date: N/A

Objections:

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level:

Stat Class: HOUS

Proposal: Non material amendment following approval of planning permission 65434-
Alterations to windows at first floor level on side and rear elevations

Location: 20 Lodge Side, Bury, BL8 2SW

Description

Planning permission was granted at this property in June 2020. The applicant has submitted this non-material amendment application as they wish to make a change to that permission. As they have changed the proposed internal layout there would also be some changes to windows on the rear and side elevations. As well as the changes to the windows a small single storey rear extension has now been omitted from the proposal.

The approved proposal showed a small single storey rear extension with bi-folding patio doors across the rear elevation, with two bedrooms and a bathroom window above. The applicant now proposes to omit the single storey rear extension from the proposal. The bi-fold patio doors are to remain on the rear elevation and the three first floor windows above would now be to two bedrooms. The internal layout has been rearranged so that the family bathroom and an en-suite would not be position on the south east elevation. The proposed plans show these two bathrooms would have high level windows, measuring 1.7m from the internal floor level.

On the opposite side elevation a first floor en-suite window which was previously approved would be repositioned a little further back along the side elevation. There would be no other changes to the overall size or layout of the previously approved extension.

Relevant Planning History

65434 - Two/single storey extension at rear and conversion of garage to living accommodation - Approve with Conditions 18/06/2020.

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 windows on the rear elevation and also the omission of the single storey rear extension would result in a development considered in-keeping with the original dwelling and these changes would not be visible in the streetscape at the front. As such there would be no significant detrimental impact on both visual or residential amenity.

The en-suite windows which would be repositioned on the west elevation would face on to a garage and outbuilding at no.22 next door. The two high level bathroom and en-suite windows installed on the opposite elevation would face on to a blank side elevation of the property next door and as they would be installed at a height of 1.7m from the internal floor level there would be no concerns regards loss of privacy to the neighbouring properties at

either side.

There would be no changes to the overall size/height of the previously approved development. As such it would still accord with SPD 6 and 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.

Recommendation: Approve

Conditions and Reasons:

The revision to the previous proposal, by the changes to first floor windows to the side elevations and the omission of the single storey rear extension 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 65434.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 11/01/2022		DM	11/01/2022