

DELEGATED REPORT

Report by Jane Langan	Date of report: 25/04/2022	Ref: 68319/NON
Registration: 08/04/2022	LDFC:	Expiry Date: 06/05/2022
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Non material amendment following approval of planning permission 65497 - Window and patio doors on rear dormers to swap positions

Location: 317 Walshaw Road, Bury, BL8 1PX

Description

The property is a semi detached bungalow. It has a paved garden and drive to the front and to the rear a detached garage and fenced garden with some planting to the rear boundary. The adjoining bungalow is No.319 and to the opposite side No.315 is the same bungalow type.

The application is for a non material amendment to approval 65497 for dormers to the front and rear. The amendment is to the rear dormer where there is a bathroom window and a bedroom with juliette balcony. It is now proposed to alter the internal layout and swap the rooms and windows round. The form noted the amendment is requested to accommodate the clients internal amendments.

Relevant Planning History

65497 - Dormers at front and rear - AC 29/07/2020.

Publicity

None.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary 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) 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 amendment would see the switching of the windows to the rear dormer. The rear of the site faces on to the rear garden to 17 Chiltern Drive and a small section to No.15. The separation distance from the rear dormer to the boundary would be in excess of 7m at approximately 12.5m which this, and the previous approval, complies with SPD6 Aspect Standards. Rear dormers can also be constructed under permitted development. Given this it is considered that the revision can be accepted as a non material amendment as it would not significantly alter the approved scheme in terms of the design of the dormer or adversely impact on the amenity of the adjacent neighbouring properties.

Recommendation: Approve with Conditions

Conditions and Reasons:

The proposed amendment to alter the position of the bathroom window and Juliette balcony window to the rear dormer, as detailed in the application and plan ZT22-196-04, will not impact adversely on the 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

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Supplementary Planning Document 6 - Extensions and Alterations to Residential Properties and the originally approved scheme reference 65497 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	25/04/22		