

DELEGATED REPORT

Report by Amanda

Date of report: 10/11/2023

Ref:70209/NON

Uhunmwagho

Registration: 01/11/2023

LDFC: 22/11/2023

Expiry Date: 29/11/2023

Site Visit:

Site Notice: N/A

Press Date: N/A

Objections:

Con Area: MARY

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 69648 for Two storey rear extension with new link to hydrotherapy pool building and changing room facilities: To move the extension away from the boundary with Westholme by 1.5m

Location: Eastholme, St Anns Road, Prestwich, Manchester, M25 9LD

Description

Planning permission was granted at this property in June 2023. The applicant has submitted this non-material amendment application as they wish to make a change to that permission.

The proposed change is to move the whole of the single storey rear extension away from the west boundary by 1.5m, bringing the side elevation in line with the approved two storey extension. The design and size of the extension would remain as previously approved.

Relevant Planning History

00069/E - CONVERSION OF HOUSE TO FORM 5 FLATS -

02828/E - Proposed rear extension to form new hydro pool for a disabled individual -

Enquiry completed 31/03/2023

64924 - Single storey extension at rear - Approve with Conditions 16/01/2020

68762 - Part single/Part two storey extension at rear; Extended driveway - Approve with Conditions 01/12/2022

69549 - Single storey rear extension to form new level access changing room facility and hydrotherapy pool building with associated plant equipment - Withdrawn by Applicant 16/05/2023

69648 - Two storey rear extension with new link to hydrotherapy pool building and changing room facilities; External works to adapt the existing driveway to form accessible driveway for adapted vehicle - Approve with Conditions 30/06/2023

Publicity

N/A

Statutory/Non-Statutory Consultations

Conservation Officer - No objection subject to materials condition.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 overall size and design of the extension would remain as previously approved, but the whole of the structure would be moved 1.5m to the west. This would have a positive impact on the neighbour to the west as the building would be moved further away from the shared boundary.

In moving the extension to the west it would result in the access path with dwarf wall also moving position. The plans show that the wall would project around 431mm out from the main side elevation of the dwelling and it would measure around 330mm high. It would be finished with materials that would match the rest of the building. The extension is also to the rear of the property and as such not visible in the public realm.

The proposed changes would remain acceptable in terms of visual and residential 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 it would not still preserve the character of the conservation area. The proposal will still accord with SPD 6. As such 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 Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The revision to the previous proposal, by moving the whole extension 1.5m away from the boundary with the property known as Westholme 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 69648..
- 2 Prior to the commencement of the works to replace the new and extended driveway details/samples of the permeable paving to be used shall be submitted to and approved in writing by the Local Planning Authority along with details/samples of the bricks to be used in the construction of the dwarf wall to be located at the access to the single storey rear extension. Only the approved materials shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 10/11/2023			