

DELEGATED REPORT

Report by Mo Warsame	Date of report: 02/10/2024	Ref: 71143/NON
Registration: 05/09/2024	LDFC:	Expiry Date: 03/10/2024
Site Visit: 02/10/2024	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Non-material amendment following grant of planning permission 70478 (Single storey front extension to include garage conversion; Front porch; First floor side extension with rear dormer and Single storey rear extension): Single storey rear extension reduced in width.

Location: 58 Apollo Avenue, Bury, BL9 8HG

Description

A two storey red-brick semi-detached property with a large drive leading to an integral garage to the front. The premises has also a small garden to the front running along the shared boundary with the attached property (No.60 Appollo Avenue) and there is a larger area of private amenity to the rear. The adjacent properties on either side are No.60 Appollo Avenue and No.56 Appollo Avenue on the opposite side, which is a bungalow. There are sufficient distance to the properties to the front and the rear boundary is shared with St Benadettes Roman Catholic Primary School.

Planning permission is sought for a non material amendment for the narrowing of the approved rear extension under application 71072 from 5740mm to 3325mm along with the removal of the existing sunroof.

Relevant Planning History

70478 - Single storey front extension to include garage conversion; Front porch; First floor side extension with rear dormer and Single storey rear extension. - Approve with Conditions 23/05/2024

71072 - Garage conversion with rear pitched roof and dormer; Single storey front extension and alterations to front porch; Single storey rear extension - Withdrawn - Invalid 30/08/2024

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PpE Policies 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 non-material amendment is for the narrowing of the approved rear extension under application 70478 from 5740mm to 3325mm along with the removal of the existing sunroof. This would be a modest alteration. In this instance it is considered that the change in design does not materially alter the character of the originally approved scheme under application 70478.

Residential Amenity

The proposed alterations would see no increase in projection, and no new windows proposed. In this instance it is considered that the change would not lead to a loss of residential amenity.

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 with Conditions

Conditions and Reasons:

- 1 The proposed amendments would not impact adversely on the design of the proposed development or residential amenity of neighbouring properties. Therefore, the proposal would still be in accordance with the overall principles in terms of the approved application 70478 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>
MW	02/10/2024	HL	02/10/24