

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Jane Langan    | <b>Date of report:</b> 02/02/2023 | <b>Ref:</b> 69289/NON          |
| <b>Registration:</b> 31/01/2023 | <b>LDfC:</b>                      | <b>Expiry Date:</b> 28/02/2023 |
| <b>Site Visit:</b>              | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b>              | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Non-material amendment following grant of planning permission 67826 for two storey extension at side and single storey extension at side/rear: Amend proposed external finish to white render to all elevations

**Location:** 1 Holbeach Close, Bury, BL8 1XA

**Description**

The property is a two storey detached house located on a corner plot on a residential estate. It has an attached garage to the side which incorporates a porch and both project flat roofed from the front elevation. There is a drive to the front and a garden which extends around the side.

The application is for a non material amendment to approval 67826 for a two storey extension at the side and single storey extension at side/rear. The walls were noted to be in tile and brick and a condition for matching materials was attached. The applicant would now like to render the proposed extension and the existing walls white.

**Relevant Planning History**

67826 - Two storey extension at side and single storey extension at side/rear - AC  
07/04/2022.

**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 site is located on a large residential estate where there is a mix of materials and the use of render is not uncommon. The proposed change in the materials to fully render the property white would not see it out of character or intrusive in the street scene. The revision would not significantly alter the approved scheme in terms of the design of the extension or adversely impact on the amenity of the adjacent neighbouring properties. The change is then acceptable as a non material amendment.

**Recommendation:** Approve with Conditions

### **Conditions and Reasons:**

The proposed amendment to render white existing and new walls, as detailed in the application, 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 Supplementary Planning Document 6 - Extensions and Alterations to Residential Properties and the originally approved scheme reference 67826 and as such can be

**DELEGATED REPORT**

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                  | 02/02/23    |                         |             |