

DELEGATED REPORT

Report by Amanda

Date of report: 19/12/2025

Ref:72291/FUL

Uhunmwagho

Registration: 11/08/2025

LDfC: 29/09/2025

Expiry Date: 06/10/2025

Site Visit: 22/09/2025

Site Notice: N/A

Press Date: N/A

Objections: 2

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Front porch extension, additional dormer at front and single storey rear extension; External alterations and extension of existing rear terrace

Location: 16 Tor Avenue, Tottington, Bury, BL8 4HG

Description

The application relates to a two storey detached property with dormers to the front and an existing single storey rear extension. At the front of the site is a garden area and driveway for at least two vehicles and a garage. Access to the rear is via a path to the side of the property. The property has split levelled floors so it appears as a dormer bungalow style to the front and two storeys at the rear. The existing bedroom no.3 has a mezzanine in the roof space above and there is currently storage room above bedroom no.6.

At the rear there is a private garden with fences to all boundaries. There is a small patio area directly to the rear of the house with an area of lawn beyond. Towards the rear of the site is a raised deck area and a hedge which screens a lower section of the site. There are currently steps for access to the lower area to the south side of the garden. The existing decking structure to the rear of the site appears to have been erected in 2005. A complaint appears to have been submitted at the time but no enforcement action was taken against it.

The proposal is to extend the main dwelling and also to rebuild the existing raised decking and install new steps from the deck to the lower level section of the garden. There would also be a new fence installed along the retaining wall at the rear of the higher level garden area.

At the front of the dwelling part of the existing hall would be extended forwards to the same point as the existing garage door and a new porch would be built. It would project 1.17m forward of the original elevation and it would extend the front wall 2.47m from the side of the front elevation of the existing garage. Once built the porch would measure 4.95m wide and a smaller roller shutter door would be installed to the garage/store. The porch would have a pitched roof with glazing to both sides of the front door and also above. The ground floor front wall in the remaining recess to the north side of the porch, would be finished with a dark coloured cladding.

There would be a new dormer installed to the front of the property and two en-suite shower rooms and a dressing room created in the existing roof space. The new dormer window to the front would be installed over the space where the mezzanine will be. It would measure around 3.38m wide and the roof would be pitched.

The single storey rear extension would project a total of 2.5m from the rear of the existing single storey extension. The total projection of the extension from the original rear elevation would be around 4m. The structure would extend across the whole of the rear elevation and the roof would be mono-pitched with three rooflights. There would be patio doors installed

to the centre with full length windows to both sides.

The existing decking is timber and is in need of repair. As such the applicant proposes to rebuild the structure. It would be the same size and height as the existing decking but the new materials would be composite decking, rather than timber. The proposed drawings show that there would be a 1.8m high fence along the rear of the decking, and to the south side of the decking there would be a slightly lower level fence at around 1.4m, with a permeable top lap along the top, and steps leading down to the lower level section of the rear garden.

The existing hedge to the rear of the upper section of the garden would be removed and replaced with a fence approximately 1.4m high, to match the fencing on the decked area.

Relevant Planning History

50067 - Lawful development certificate proposed - single storey extension at rear at 16 Tor Avenue, Greenmount. Lawful Development - 8 July 2008

Publicity

The neighbouring properties were notified by means of a letter on 5 September 2025.

3 letters have been received, which have raised the following issues:

- There are 2 large concrete drains running north to south on the property. Is the proposed rear extension going to be above the drain and will there be any effect on this drain
- We already have excessive water, some which comes from the properties on Tor Avenue, how will the water from the revised terrace be drained away? Is it intended to install a surface water drain?
- On document A9F96F3E21BA46808826BF5F21D5B056.pdf it is quoted that trees are not involved in the application. I don't think this correct; there is an established apple tree in 16 Tor Avenue Garden is this being removed? Also, it states that no tree could fall on an extended rear terrace? Is this correct, there are very high trees in the garden of 14 Tor Avenue which in my opinion may be able to fall on to an extended rear terrace.
- Has there been a change to the planning rules regarding terracing height. If there has, does the existing terracing meet the latest planning rules, if not, should it now be made compliant to the latest rules?
- On top of the existing terracing, there is a six-foot-high fence, is this within the latest planning rule for fence height? Since changes are being planned on 16 Tor Avenue, I would have thought it should be made compliant with the latest rules.
- Sunlight on the existing properties/gardens is already reduced and this terracing and associated fencing will reduce the amount of natural light on the rear gardens and properties.
- The land at the rear of 16 Tor Avenue was filled with spoil when the houses were built to raise the ground with a loose stone wall constructed at the end furthest away from the house. Is there liable to be any land slip after the rear extension has been built and has the ground been checked to ensure that this can't happen in the future.
- Object to the extension of the rear terrace. All of the existing trees were cut down when the terrace was extended and the bedrooms have no privacy especially when people sit out on the terrace.
- No objection in principle to the proposals. However, the plans are not detailed in terms of the height of the decked area or indeed what the relationship would be with our property, including if a new fence would be erected along the common boundary and any implications in terms of the roots of established hedges etc. An additional detailed plan - including possible section plan - would provide appropriate control and clarity.

Following receipt of the objections and discussions with senior planning officers it was considered that it might be possible to replace the existing decking with a new structure which would be of the same size/height, but it could not be extended. As such revised

drawings were requested and the objecting neighbours were notified on 22/10/2025. Further comments were received from 2 neighbours.

- The new decking will be just that - a new structure and hence by definition a new building under section 336 of the Act. It cannot in law be considered to be a repair. I do not know the history relating to the existing deck (planning permission obtained ?). I see that the neighbour at the back has objected to the new decking development from a privacy point of view, but that is a matter for them and not us and you will no doubt address that. Our issue relates simply to the new decking and what will happen, if anything, to our / the common boundary fence. The plans show the decking right up to it. Can this matter be clarified?
- The front porch will detract from the rest of the houses on this side of the street which have a deliberate and uniform design synergy. They all add positively and distinctively to the character and appearance of Tor Avenue given the uniformity of design when experienced by passers-by. They were deliberately built this way in the 1970s and is why they have not been altered since this time . While we don't like to raise concerns like this, we nonetheless fear that granting permission for this aspect of the proposal would set a very undesirable precedent and would lead to a gradual erosion of what makes this part of Tor Avenue distinctive and characterful.
- Just to emphasise the character and appearance comment below . Chapter 12 of the Framework is very specific about planning decisions ensuring that developments “add to the overall quality of the area “ (para 135) and create ‘high quality, beautiful and sustainable ‘ places (para 131) . Achieving good design is a high bar and the street-scene context is important. No doubt you will reach a view as to whether aspects of the proposal truly ‘add to ‘ the overall quality of the area which is self evident in terms of the uniformity of design relating to house types on this side of Tor Avenue.
- The artists impression pictures of the decking shown in the pictures appear to be spindles not enclosed fencing panels. Is this correct as the notes on the drawings says replacement as existing?
- When it was proposed that the decking was originally being extended, I thought at that time, it would have involved replacement of existing high-level fencing/decking because of its age. The replacement of the existing decking/fencing/storage surely must mean that the new decking height and fencing should comply with the latest planning rules. The change to the rules as I understand it was to stop a neighbour building decking over a certain height and overlooking a neighbour's property. Is this the correct?
- In my discussion with you, you mentioned that if the decking had been up over 7 years, then it could stay as existing but surely this not the case if it is completely replaced and is a new build.
- Completely replacing the decking/fencing/storage negates the fact that it was existing and becomes a completely new installation covered by the latest regulations.
- The existing two levels of fencing gives an overall height of over 15 feet when you include the height of the two fences, the lower and higher, is that acceptable under the latest regulations?
- What is the proposal for drainage of the water coming off the decking? Has this been considered?

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
PFE	Places for Everyone

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 PfE 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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

Properties along Tor Avenue consist of detached bungalows along the east side and

two-storey detached houses to the west. The bungalows are all of a very similar design with dormers to the front, whilst the two -storey properties on the opposite side have different designs and finished materials, and are all of different sizes.

Changes to the front elevation include the addition of a new dormer, porch, a smaller garage/store door and an area of cladding. The new dormer would be wider than the two existing dormers on the opposite side of the front elevation, but it would be finished with materials and a design that would be considered to be in keeping with the existing dormers. It would not occupy a disproportionate amount of roof space and it would be set well down from the existing ridge.

The larger porch would be a relatively contemporary addition to the building, with the full height glazing and natural stone block walls, but it would not project forward of the existing garage door. As such it would remain set well back from the front boundary and would not be considered significantly intrusive in terms of the existing streetscape.

It is noted that the porch would be quite different to the other bungalows along Tor Avenue, which all appear to have recesses to the front of the dwellings, and no porches. However, there are two-storey detached properties on the opposite side of the road, which all have different designs and are all finished with different materials. Given that the proposed porch would not project forward of the existing front elevation, it would be set well in from either side elevation and it would be finished with materials that would be in keeping with the rest of the property, any detrimental impact in terms of the character of the streetscape would not be sufficient enough to warrant refusal.

The existing garage door would be converted into a home gym to the rear of the existing space with a small store to the front. As such the existing garage door would be replaced with a smaller door which would be a vertically cladded roller shutter door. The colour and slatted design of the door would match the proposed cladding for the remaining section of the recess to the north of the porch, which would be finished with dark coloured vertical composite cladding. The design of the proposal is considered acceptable in this location.

The single storey extension to the rear would be built off the rear of the existing single storey extension and also from the rear of the existing living room. As the extension would be on the rear of the dwelling it would not be readily visible in the public realm. The plans note that the walls would be finished with natural stone blocks, (like the front porch), and windows and doors would have dark colour frames which would be considered in keeping with other openings at the property. The rear extension would be considered acceptable in this location.

At the rear there is an existing raised deck which has been in situ since at least 2005. Looking at history for the site there appears to have been some enforcement intervention but no action was taken at the time. As the structure has now been in place for at least 20 years it would not longer be subject to enforcement action. The existing decking is a timber structure which is in need of repair.

Part of the proposal is to replace the existing structure with composite materials so the area can continue to be used. The applicant also proposes to install steps from the deck to the lower section of the rear garden below. Currently the only access to this area is down very narrow, uneven stone steps on the opposite side of the garden. The new steps would make the lower garden area more accessible.

Current regulations states that any decking over 300mm requires planning permission. The deck as viewed from the upper rear garden level, towards the rear boundary would most likely be acceptable as permitted development, but as the land to the rear drops significantly the floor level of the decking is around 2m above ground level below and the fence is 1.8m above the floor level of the decking. As properties to the rear on Conway Crescent have a lower land level the decking is fully viewed from the rear of no.5 Conway

Crescent directly to the rear, and other neighbouring properties. The decking structure is around 1m away from the rear site boundary.

In terms of what would be acceptable in this location now, decking of this height would possibly not be approved, but in this instance what is already there needs to be considered. Initially the applicant wanted to extend the decking further across the width of the rear garden, but it was considered that to do so would be considered significantly detrimental in terms of visual amenity due to the fact the whole of the area is visible from properties at the rear, and their gardens have a much lower land level. After some discussion it was agreed that although the existing decking is not ideal, in terms of its height and location, the applicant could repair the structure piece by piece without needing to apply for planning permission, and the new materials would improve the appearance of the decking structure. As such the proposal to replace the structure to the same dimensions with composite materials, which would be more durable than timber, would be considered acceptable in this instance as it would have no more of an impact on the neighbouring property to the rear than the existing deck does currently.

There would be the addition of steps leading from the deck down to the garden below. These would be positioned around 3.6m away from the rear boundary and they would be built with materials to match the decking. The property to the rear of the site was visited and photos of the decking were taken from the rear garden and upper floor window of the property. The steps would not be overly visible from the ground floor, but they would be visible from the upper floor windows.

In addition to the steps the applicant also intend to remove existing planting, which currently runs along the retaining wall at the rear of the higher level garden and replace that with a composite fence. The proposed drawings show that this would measure 4m high with a permeable top lap (possibly a lattice style of some kind) along the top. The fence would be openly visible from the properties to the rear of the site. The fence would be around 5m away from the rear boundary meaning the applicant could erect it without the need for planning permission. As such there would be no reason to refuse it. The proposed drawing notes that it would be constructed with materials to match the proposed new decking and steps. The design of the proposal is considered acceptable in this location.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- The proposed dormer to the front would be to provide light to a new mezzanine level above the existing guest bedroom, where there would be a new en-suite bathroom installed. Distances to the front boundary and neighbouring properties on the opposite side of Tor Avenue would be acceptable in terms of SPD 6.
- The proposed porch would be set well back from the front boundary and would be built central to the front elevation. As such it would not have any significant detrimental impact on residential amenity in this area.
- Apart from the loss of the garage (which could be converted as permitted development), the proposed changes to the front of the property would not have any significant detrimental impact on existing parking arrangements on site.
- The single storey rear extension would project no more than 4m from the original rear elevation of the dwelling and it would be around 10m away from the rear boundary.
- The side elevations of the extension would be built flush with the original side elevations of the dwelling meaning it would be no closer to either side boundary than the existing dwelling. As such there would be no concerns regards encroachment to either of the adjacent sites.
- There would be no new windows to either side elevation of the dwelling or the extension.

- The existing decking to the rear of the site measures around 2m from the lower ground level at the rear of the site, and there is a 1.8m fence running along the rear side and a slightly lower fence to the south. Although a raised deck of this height and close proximity of around 1m to the rear boundary would more than likely be considered to be refusable in terms of current policy, the existing structure has been taken into consideration. The existing structure would be removed in order to rebuild the new one, which would be built to the same size and height as the existing structure, but with more sustainable materials. There would be no change to the height of the structure and fence along the rear side closest to the shared boundary with no.5 Conway Crescent to the rear. As such any impact from the proposed decking would be considered to be no different to what is currently in situ.
- The new steps would be positioned around 5m away from the rear boundary and would be for access only to the lower garden. It is considered that their addition would not cause any significant detrimental harm in terms of residential amenity at properties to the rear.
- With regards to the removal of existing planting to the upper garden level and replacing it with a new fence, the applicant could do these works without the need for planning permission. As such there would be no reason to refuse the proposed fence in the location shown.
- The proposed drawings show there would be no changes to the existing site boundary fencing.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the drive at the front of the site.

Revised drawings -

Following receipt of revised drawings on 16/10/2025 further drawings were requested to change a proposed spindled balustrade to part of the decking to a more solid style fence in order to retain privacy levels to the south side. Revised drawings were received on 05/12/2025 but the neighbours were not notified again given that the new revised drawings addressed the objection to the previous revised drawings.

Response to neighbour objections -

Most of the objections/concerns have been addressed in the residential and visual amenity sections of the report above.

- One neighbour pointed out that there are drains that run across the rear of the site where the extension would be built and question is there would be any effect on this. This would not be considered to be a planning concern, but it would be investigated as part of the Building Regulations application if necessary. Similarly, any drainage concerns would be looked at as part of the Building Regulations process.
- One comment advises that the land to the rear of the site was in filled with soil and stones in the past and is there any way of testing the land prior to the extension being built. This would be looked at as part of the Building Control process.
- It was pointed out that the applicant/agent had noted that no trees are within falling distance of the site and that no trees or hedges would need to be pruned or removed as part of the proposal. It is noted that there are trees located to the rear of no.14 next door, but they would be considered to be far enough away from the area of development and as such should not be detrimentally affected by the proposed works.
- With regards to the removal of the hedges within the site, there are no TPOs within the site so the applicant could remove them at any time, without notice.
- There is nothing on the application to say that trees/planting along the rear boundary

are to be removed but as they are not protected the applicant would be able to remove them at any time.

- One neighbour has concerns about the boundary fence with the site and whether it would be affected by the replacement decking. The agent confirmed that there are no proposed changes to the boundary fencing and there are no notes of such works on the proposed drawings. If, for any reason the boundary fences are damaged during the building works this would be considered to be a civil matter which the applicant and relevant neighbour would need to discuss privately.
- With regards to water running off the decking, this would be no different to how water would currently drain from the decking. It would fall on to the land below. As the decking would be located around 1m away from the rear boundary any water run-off would be on to the applicant's own land, which would be considered to be acceptable in Planning terms.

Conclusion -

The proposal is considered acceptable in terms of visual and residential amenity and conforms to the Bury Unitary Development Plan Policy H2/3 – Extensions and Alterations and the Development Control Policy Guidance Note 6 – Alterations and Extensions to Residential Properties, and Places for Everyone Joint Development Plan listed.

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 development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered TOR-RALA-ZZ-XX-DR-A-(PL)-0001 P00, TOR-RALA-ZZ-XX-DR-A-(PL)-0002 P01, TOR-RALA-ZZ-XX-DR-A-(PL)-0003 P02 and TOR-RALA-ZZ-XX-DR-A-(PL)-0004 P02 received on 04/09/2025 and drawings numbered TOR-RALA-ZZ-XX-DR-A-(PL)-0000_P04, TOR-RALA-ZZ-XX-DR-A-(PL)-0005_P04 and TOR-RALA-ZZ-XX-DR-A-(PL)-0006_P04 received on 05/12/2025 as modified by the email from RALA dated 05/12/2025. The development shall not be carried out except in accordance with the details hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall be;

1. Walls - Natural stone block.

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2. Dark roof tiles with dark gutters, RWP's & white fascias to match existing.
3. New feature pitched glazing with new entrance door - dark framing with natural timber coloured door.
4. Vertical slatted composite cladding - dark colour.
5. Vertical slatted roller garage shutter - dark colour.
6. New casement window to match existing style - dark colour.
7. Composite cladding to match existing - White.
8. New bi-folding/ sliding doors - dark colour.
9. New Flush Rooflights.
10. Off white render.
11. New full height window - dark colour.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and 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 - 19/12/2025		DM - 19/12/2025	