

DELEGATED REPORT

Report by Helen Pressley	Date of report: 14/04/2026	Ref: 72854/FUL
Registration: 13/02/2026	LDfC: 14/04/2026	Expiry Date: 10/04/2026
Site Visit: 18/03/2026	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey/single storey rear extension

Location: 40 Tennyson Avenue, Bury, BL9 9RQ

Description

The application relates to a semi-detached house located on Tennyson Avenue. The property has garden areas to the front and rear and has been extended at single storey to the rear.

Planning permission is sought for the removal of the existing single storey extension and for the construction of a part single, part two storey rear extension that projects a maximum of 3600mm.

Relevant Planning History

54244 - Single storey extension at rear - Approve with Conditions 22/08/2011

Publicity

Letters sent to neighbouring properties on the 23/02/2026 and 19/03/2026

No representations received.

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

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.

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.

The proposed extensions would be located entirely to the rear of the property and would not be visible from Tennyson Avenue. The proposed two storey elements would have pitched, hipped roofs sited below the ridge of the main property giving the impression of subservience. The proposed single storey extension would have a lean to style roof which is considered to be acceptable. The use of matching materials is acceptable.

The proposed extension would not overwhelm the existing dwelling or result in over development of the associated residential amenity space.

Given the above it is considered that the proposal would comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The proposed two storey extension, adjacent to the shared boundary with No. 38 would

project more than 1 metre beyond the original rear elevation of this attached property. The extension is sited slightly off the shared boundary and would marginally impact on a 45 degree line as taken from this 1 metre point with approximately 10 cm of the extension projecting beyond this point. It is considered that this minimal impact is not sufficient to warrant refusal of the scheme.

- The proposed two storey extension would not impact on a 45 degree line as taken from the nearest ground floor habitable room window of No. 42
- The proposed single storey extension would project more than 3 metres beyond the rear of No. 38 however this neighbour has not objected to the proposal and the projection of the single storey element would be within the limits of the larger homes prior approval extensions. As such the projection of the ground floor is considered to be acceptable.
- There are no proposed side windows.
- The proposed first floor rear windows would be located a minimum of approximately 7.5 metres from the directly facing boundary exceeding the 7 metres required by SPD 6.
- The proposed rear ground floor windows would be screened by the existing boundary treatments.
- The proposal would increase the number of bedrooms at the property from 3, to 4. The existing property does not have off street parking, and the frontage is too shallow to provide adequate in curtilage car parking. On street parking within the vicinity of the site is unrestricted and the applicant can continue to utilise this provision as existing.

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 Location Plan, TDS-24-196 - 01, TDS-25-196- 02, TDS-24-196-03 (received 26th March 2026) , TDS-25-196-04 (received 25th March 2026) and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
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.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	14/04/2026	DM	15.04.2026