

DELEGATED REPORT

Report by Amanda

Date of report: 20/08/2025

Ref:71952/FUL

Uhunmwagho

Registration: 21/05/2025

LDFC: 25/06/2025

Expiry Date: 16/07/2025

Site Visit: 24/06/2025

Site Notice: N/A

Press Date: N/A

Objections: 7

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey side and rear extension, including raising of eaves and ridge heights; side dormers; demolition of existing garage at side and erection of single storey outbuilding at rear

Location: 1 Rudgwick Drive, Bury, BL8 1YA

Description

The application relates to a detached bungalow on Rudgwick Drive, Bury. There is a small walled garden to the front and drive to the side for one to two vehicles. There is currently an attached garage to the side with an access path to the rear garden at the side. The rear garden has fencing and planting to all boundaries and there is a detached pergola on the west boundary. There are bungalows to the south, east and west of the site and two storey properties to the north (rear).

The original proposal was to create a two storey rear extension to the existing bungalow, but following discussion with the applicant/agent and several objections the applicant amended the proposal which sees the lowering of the ridge height to the proposed extension.

The application seeks approval to build a single storey side and rear extension which includes the raising of the ridge height and there would be a dormer to either side of the roof, as well as rooflights. The existing garage would be demolished to make way for the extension and there would also be an outbuilding erected in the rear garden.

The side extension would be set back from the original front elevation by around 6751mm and it would measure 3150mm wide. The east side elevation would have an overall length of 14,346mm and the west side would measure 8325mm. The width at the rear would be 10,150mm. The roof would be pitched to the rear extension and it would measure 6081mm to the ridge. The ridge of the original section of the dwelling at the front would be increased from 4013mm to 5172mm. There would be 4 rooflights to either side of the roof.

A flat roof dormer would be erected to either side of the roof. Given the distance to the side boundaries the drawings show that there would be two high level (clear glazed) windows to both dormers facing east and west. In addition there would be windows installed to the cheeks of both dormers facing the front and rear of the site, as well as two angled, slightly raised rooflights to each dormer.

The applicant also intends to build a detached outbuilding close to the rear boundary which would be used for external storage and an office. The structure would measure 2915mm x 6065mm, with an overall height of 3266mm. All of the development would be finished with materials to match the existing building.

Relevant Planning History

Publicity

10 neighbours notified on 03/06/2025 - 7 objections received. A summary of the objections is listed below.

- The extension will overshadow their home resulting in a loss of natural daylight to their home and garden.
- The proposed two-storey extension is very large and overbearing in terms of the footprint of the land and the original bungalow. It would not be in keeping with other homes in the area.
- The surrounding area is predominantly bungalows.
- Significant loss of privacy as proposed first floor windows and balcony would overlook their garden and home. This would have a detrimental impact on the enjoyment of their own property.
- A structure of this size and scale would dominate a number of properties on Rudgwick Drive, Purbeck Drive and Arundel Close.
- It would be like a three bedroomed house being built in the back garden of the site, just a few metres away from their site.
- All their living areas are to the rear of the house and the proposed extension would significantly overshadow their property and garden.
- They believe the proposed length of the extension would mean it would exceed the 45° rule, which is a concern, but the height of the two-storey extension is a greater concern.
- The visual impact of the extension would be contrary to the layout of the existing bungalows and character and appearance of the existing streetscape along both sides.
- There would be a significant loss of privacy at surrounding properties.
- No daylight impact assessment has been done in respect of the two-storey extension.
- The area is home to many elderly residents who rely on privacy, light and quiet. The application fails to account for their needs, contrary to paragraph 92 of the NPPF and the Equality Act 2010 which says, elderly residents are a protected group, and local planning authorities have a duty under the Public Sector Equality Duty to: "Have due regard to the need to eliminate discrimination...and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not."

13 neighbours notified on 10/07/2025 (revised drawings) - 1 objection received, which states the following;

Having reviewed the revised plans, I wish to challenge the architects statement that the 45 degree line impacting on our property is to a NON PRINCIPAL window. It is in fact impacting on the patio doors of our kitchen which provide the PRINCIPAL source of light to that living area.

The kitchen area has no other windows, other than two relatively small deluxe roof lights, which were installed in an effort to add to, not replace the PRINCIPAL source of light from the patio doors

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
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 in the immediate vicinity are predominately bungalows but there are two storey properties on Arundel Close to the rear. The existing ridge height is 4013mm (according to the drawings) and the ridge would be increased by 1159mm at the front and the rear extension would be 909mm higher than the front section.

Assuming that the ridge height of no.3 Rudgwick Drive is the same as existing dwelling on site the proposed roof would be around 1159mm higher than this property. However, there would be a gap of around 5700mm from the side of the front section of no.1 and the side elevation of no.3 which would reduce the impact of the height increase to the front of the application dwelling. As well as this the building would remain around 12,000mm from the front boundary.

The rear section of the extension, which would be 909mm higher than the front would be set back around 12,500mm from the front boundary and around 5591mm back from the front elevation of no.3 Rudgwick Drive to the east.

Taking the above into account and the back drop of two storey properties at the rear of the site the proposed height of the resulting property would be considered acceptable in this location.

The proposed materials would match those of the existing dwelling and as such would remain in keeping with surrounding properties.

It is noted that the applicant could erect a detached outbuilding at the rear of the site as permitted development. However, due to it being slightly higher than what is allowed under permitted development rules, it has been included in the proposal. The outbuilding would be built with materials and a design that would be considered to be in keeping with the dwelling and given its location it would not be visible in the public realm at all.

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 -

- No.20 Rudgwick Drive to the front of the site would be over 20,000mm from the application dwelling.
- There would be around 12,000mm from the rear elevation of the extension to the rear boundary, which would be acceptable in terms of SPD 6.
- According to the proposed site plan there would be around 12,880mm to the south side elevation of no.16 Arundel Close and it would face mainly towards a conservatory at that property. There are currently small trees and conifers along the rear boundary which would screen most views of the extension to and from no.16 Arundel Close. As these belong to the applicant it is noted that they could be removed at any time. However, as the distance from the rear of the extension to the rear boundary would be more than 7,000mm the development would still be considered acceptable in terms of residential amenity at this property.
- The proposed site plan shows that the separation distance from the west side elevation to the rear of properties on Purbeck Drive would be acceptable in terms of SPD 6.
- Ground floor windows to the west elevation would be to a utility room, bathroom x 2 and a study. As these are all classed as non-habitable rooms the distance to the shared boundary to the west would be considered acceptable in terms of SPD 6.
- On the east side elevation there would be windows to a wc, an en-suite and a bedroom window at ground floor level. There is an existing bedroom window to the east elevation, albeit the proposed one would be much closer to the shared boundary with no.3 next door. There appears to be two obscurely glazed windows to the side elevation of no.3 facing the site but these are screened by the existing boundary fence. Given the close

proximity to the boundary any views from the new bedroom window would look directly on to the fence and not towards any windows at no.3. However, the proposed drawings note that this window would be obscurely glazed in order to ensure privacy levels remain between the two properties. A condition would be added to the decision stating that this window should remain obscurely glazed at all times in the future.

- The dormers to both sides of the roof would have high level, clear glazed windows which would be installed at a height of at least 1700mm from the internal floor level. A condition would be added to ensure these windows remain as such at all times in the future.
- Both dormers would also have windows to the side cheeks that would have views over the front and rear gardens of the site. There would be no direct overlooking of neighbouring properties from these windows.
- In addition there would also be two angled rooflights to each dormer and four rooflights to either side of the main roof. Users of the upper floor area would not be able to view directly over neighbouring properties from these openings.
- At the rear the extension would project around 6000mm past the rear elevation of no.3 Rudgwick Drive to the east, and the side elevation would be around 1000mm away from the shared boundary. No.3 has been previously extended to the rear and the closest window/opening to the shared boundary is a set of patio doors which service the kitchen at no.3. Given the projection of the extension the 45° calculation would be contravened in relation to this window, but as a kitchen is not considered to be a habitable room it would not warrant the same consideration as a habitable room.
- The site is due west of no.3 and as such there may be some disruption to light to the rear of the property and possibly part of the garden area. It is noted that there would be some interruption to the path of the sun in the later part of the day, to the kitchen doors closest to the shared boundary but as this room is non-habitable it would not be sufficient enough to warrant refusal of the application.
- Habitable room windows at no.3 appear to be located on the opposite side of the rear elevation and the distance from those to the proposed extension would be considered acceptable in terms of SPD 6 and it is considered that there would not be any significant detrimental impact on residential amenity of those particular rooms/windows.
- The rear garden of no.3 Rudgwick Drive appears to have patio areas directly to the rear of the dwelling and along the east boundary. There is a hedge which runs along much of the shared boundary with the site. There appears to be a seating area close to the shared boundary but as this area is already sheltered by the owner's own hedge it is considered that the proposed extension would not have any significant detrimental impact on light to this particular area of the garden. There are also two other seating/entertaining areas along the east side of the rear garden which would not be seriously detrimentally affected by the proposed development.
- The existing garage is to be removed to make way for the extension which would result in the loss of one parking space within the site. The remaining drive length in front of the extension would be sufficient enough to accommodate 2 vehicles. This would be acceptable in terms of SPD 6.
- The drawings show that all of the development would be within the site boundaries, so there would be no concerns regarding encroachment onto neighbouring land.
- The outbuilding to the rear of the site would be built away from the side and rear boundaries so there would be no concerns regards encroachment on to neighbouring land.
- It would be possible for the applicant to build a similar size outbuilding in this position as permitted development. The reason why this structure has been included as part of the proposal is due to the height being over 2500mm within 2000mm of the boundaries. It is not excessive in height and given its position away from neighbouring dwellings it would not have any significant detrimental impact on residential amenity in this area.

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 dwelling.

Response to neighbour objections -

The majority of the neighbours' objections has been addressed by way of the revised drawings being submitted for a smaller development. The neighbours were notified of the revised proposal and one neighbour objected to the proposal on the grounds that the 45° degree rule would be compromised by the rear extension in terms of their principal window to their kitchen. This objection has been addressed in the residential amenity section of the report above.

One objection made reference to the Equality Act 2010 which says, elderly residents are a protected group, and local planning authorities have a duty under the Public Sector Equality Duty to: "Have due regard to the need to eliminate discrimination...and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not."

The objector also referred to paragraph 92 of the NPPF. This appears to be reference to paragraph 92 of the previous NPPF as paragraph 92 of the current NPPF document refers to town centre applications.

The paragraph which was previous no.92 is now paragraph 96 in the current NPPF document. This is found in Section 8 of the NPPF - Promoting Healthy and Safe Communities.

Whilst the welfare of all residents is a concern, it is not a Planning consideration and as such it would not impact the decision. The application has been assessed against relevant current policies and adopted guidelines which directly relate to Planning applications.

Conclusion -

The proposal is considered acceptable in terms of visual and residential amenity and conforms to the Bury Unitary Development Plan Policy Nos EN1/2 - Townscape and Built Design, 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 2002-Rev A and 2002-P03A received on 07/07/2025 and drawings numbered 2002-P01B and 2002-P02C received on 20/08/2025 as modified by the emails from Y A Architectural Services dated 07/07/2025 and 20/08/2025. 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 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.
- 4 Before the first occupation of the extension hereby permitted the new windows on the east side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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 - 20/08/2025		DM - 21/08/2025	