

DELEGATED REPORT

Report by Mo Warsame	Date of report: 20/11/2025	Ref: 72055/FUL
Registration: 26/09/2025	LDFC: 21/10/2025	Expiry Date: 21/11/2025
Site Visit: 17/10/2025	Site Notice: N/A	Press Date: N/A
13:00:00		
Objections: 2	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two/single storey rear extension with garage extension at rear/boundary wall

Location: 165 Walmersley Road, Bury, BL9 5DE

Description

The property is a mid two storey brick terraced house with a paved yard at the rear on a split level. It has been extended at the rear with two single storey upvc/brick conservatory type structures and there is a single storey brick extension from the outrigger to which is attached to a brick garage extension at a lower level as the yard drops down.

The adjoining neighbour to the side of the proposal is 167 Walmersley Road. It also has a two storey outrigger with windows in the side at ground and first floor and there is a single storey extension attached to the rear of this. The rear elevation to the side boundary with 165 is unextended and has patio doors in the rear. A brick boundary wall runs along the shared boundary. It is approximately 2m high towards the end to the house and has pillars higher along part of the section. There is a slight slope downwards to the yard.

Planning permission is sought for a two/single storey rear extension along with a garage extension at rear/boundary wall. The garage extension would have a pitched roof and would use the remaining yard at the rear to facilitate the extension. The single storey element of the extension would replace the existing conservatory and would extend a max length of 6.4m to the rear and would a setback from the shared side boundary with No.167. The two storey segment of the extension would project approximately 6m along the shared side boundary with No. 163. The single storey extension would have a mon-pitched roof while the two storey extension would have a pitched gable roof. The development would be constructed using matching materials and would accommodate a larger garage, a lobby area and an additional bedroom with ensuite bathroom.

Relevant Planning History

57241 - Single storey rear extension - Refused 01/04/2014

57594 - Single storey extension and conservatory at rear (resubmission) - Approve with Conditions 23/06/2014

13/0525 - Extension - 20/02/2014

13/0637 - Rear extension - 10/12/2013

Publicity

Neighbour letters sent on 29/09/2025. Two objections received.

Comments

The main concerns relate to the two storey element and how it would impact the residential amenities currently enjoyed by the objecting parties. This include privacy, outlook, daylight/sunlight and overshadowing as well as other concerns that are not directly linked with planning.

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 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.

Situated to the rear, the proposed extensions would have simple and unobtrusive design, which would not detract from the character of the dwelling. Overall, the proposal would be constructed with materials to match the existing dwelling. As such, the proposed development would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore 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.

- There would be no proposed side windows facing No.163. However, there several windows on both the single storey and two storey extension that would be facing the No.167. The window on the single storey element would be mostly shaded by the existing high fencing but the proposed windows on the two storey element would be unacceptable. .
- SPD6 states for two-storey developments, where the extension would be on or adjacent to the boundary of another dwelling it should not project in excess of 1 metre from the rear wall of the neighbouring property. Beyond the 1 metre point the extension should not encroach beyond 45° angle taken from the boundary at the 1 metre point. The proposed extension would project 6 metres along the shared boundary without any setbacks. This would encroach the 45° angle when taken from the 1 metre point and subsequently would detrimentally impact on the residential amenity of this neighbouring properties. The proposed development would seriously overshadow the garden of the adjoining property as well as causing further causing further outlook and privacy implications.
- As there would be no increase to the number of bedrooms at the property the existing parking arrangements would be considered acceptable.
- The single storey segment of the development would be acceptable due its size and position.

Overall, there would be serious impact on amenities of the adjacent neighbouring properties. The proposal therefore not conform to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Response to objection(s)

The comments raised from the objecting parties are reasonable in terms of the impact the two storey extension would have on the residential amenity. As discussed on this report (above), the proposed development would have serious detrimental impact on amenities of the adjoining neighbouring property and as such would warrant refusal.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would be detrimental to the amenities of the adjacent properties by reason of its height, size and position. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan: H2/3 and SPD6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	20/11/2025	DM -	20/11/2025