

DELEGATED REPORT

Report by Jane Langan	Date of report: 19/11/2025	Ref: 72448/FUL
Registration: 09/10/2025	LDFC: 14/11/2025	Expiry Date: 04/12/2025
Site Visit: 06/11/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two Storey Extension at Rear; First Floor Extension at Side and Extension to Existing Front Porch

Location: 47 Rudgwick Drive, Bury, BL8 1YE

Description

The property is a two storey detached house located on a corner plot. It has been extended single storey to the footpath side and two storey to the opposite side. To the front the garage and porch project single storey from the main front elevation. To the side 49 Rudgwick Drive is a similar detached house, set back from the site, and extended single storey at the front. To the south side the site property borders the entrance into Horley Close and 2 Horley Close sits side on and borders the rear garden to the site.

The application includes a first floor extension above the garage to come flush with the existing front elevation to form an additional bedroom. To the rear a two storey extension would come out 4m for 3.18m across to form a utility and wc at ground floor and an ensuite to an existing bedroom above. The front porch would be extended out approximately 0.5m deeper and 0.3m across to come level with the garage.

Relevant Planning History

63973 - Single storey extension at side - Approve with Conditions 07/05/2019
40992 - Conservatory at side - AC 01/08/03
20637 - Two storey utility and bedroom extension at side - AC 23/05/88

Publicity

Surrounding neighbours were notified by letter and no responses have been 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
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.

Visual amenity and design - The proposed first floor extension would have a dual pitched roof forming a front gable with feature window. To the rear the two storey would also extend out as a rear gable. To the front the extended porch would be a minor infill to the level of the garage. Materials would be brickwork to match the existing and roof tiles to match the existing colour.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 4 to 5 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide 3 parking spaces. SPD11 also notes that where all soft landscaping is lost or a frontage become dominated by hardstanding then this can be

harmful to the character and appearance of the area and it should be carefully considered if the proposal is acceptable.

In this instance the site has an existing drive providing 2 spaces, a garage, and there is a good sized front garden where there may be potential for further parking with retained garden if the applicant should require it. As such the parking arrangements are considered acceptable.

Residential amenity - The adjacent No.49 is set back at the front from the site and there is a gap to the side to both properties. The ground floor front of No.49 is extended single storey with the original front elevation having a main window above. The proposed first floor extension would not encroach a 45 degree line from the mid point of this window. To the rear the proposed extension would project past the rear of No.49 by approximately 2m with the side blank wall. With a gap between both properties there would be no encroachment across a 45 degree line from its closest rear windows.

The proposed first floor rear window would be to a non habitable room as an ensuite. There would be a distance in excess of 7m to the rear boundary where 2 Horley Close sits side on with a garage and shed to the boundary and the first floor side wall blank. The proposed ensuite is a fairly large room and could possibly changed in room use at a later date. With over 7m to the boundary and 2 Horley Close having a blank side elevation facing it is not considered that, whilst the plans note it, a condition for obscure glazing is necessary.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 TDS-25-196-01, TDS-25-196-02, TDS-25-196-03, TDS-25-196-04, TDS-25-196-05 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	19/11/25	DM -	24/11/2025

