

DELEGATED REPORT

Report by Tom Beirne	Date of report: 05/02/2025	Ref: 71425/FUL
Registration: 19/12/2024	LDFC: 15/01/2025	Expiry Date: 13/02/2025
Site Visit: 05/02/2025	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing side extension; Single storey rear, two storey/single storey front extension and loft conversion with rear dormer

Location: 134 Sunny Bank Road, Bury, BL9 8LJ

Description

The application relates to a red brick, two storey semi-detached house with attached garage on a road of similar styled houses. Projecting bay at the front and flat roof single storey extension at the rear. Open plan frontage and driveway to the front wide enough for two cars.

The proposal has three distinct elements. The front extension would introduce a two storey gable on the east side, projecting out 930mm from the front elevation. The existing single storey bay, running across the remainder of the front elevation would be rendered with the garage door replaced with a window. At the rear the flat roof single storey extension would run across the rear and project out almost 4m. The flat roof box dormer on the rear would run across the rear roofplane and would, in isolation, be permitted development. The extension at the front and the single storey extension at the rear would be rendered to match the existing house. The proposal would increase family living space at ground floor and two additional bedrooms in the roofspace.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 20/12/2025. One objection received and summarised below.

Two Storey Front extension

There is no height recorded on the elevation plan for this extension and no distance shown to the boundary (which is very close) so I am unable to check it is within regulations. When I have researched the distance from two storey extension to the boundary it appears there should be a minimum of 1 meter to the party boundary. Can this be checked and validated.

Rear Single Storey rear extension

Again, there is no height recorded on the elevation plan. I assume it is intended to be within the permitted development criteria but this needs confirming. There is also no assessment of the right to light which is of particular concern as the houses are built on a slope with 134 being higher than 136, therefore meaning that the height will be more of an impact in terms of sunlight on the patio area for 136 and also possibly breaching the 45 degree rule. I would also like to confirm the distance to the boundary for the single storey extension as excavation will be either on or very close to the boundary line.

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 - The extensions at the rear would not be visible from the public highway and the extensions to the front would be in keeping with the existing house and would not appear incongruous within the streetscape. In terms of visual amenity, the proposed extensions are acceptable and comply with UDP Policy H2/3 and guidance in SPD6.

Residential amenity - Given the siting and modest scale of the extensions with no overshadowing or overlooking issues, there would be no significant impact on neighbour amenity. The extensions comply with the 45 degree rule. In terms of residential amenity the proposal is acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6 relating to extensions and alterations.

Parking - Following changes to the driveway, the existing driveway/hardstanding with parking now remains unchanged and is therefore acceptable and complies with UDP Policy H2/3 and guidance in SPD6.

Neighbour comment - Plans are scaled and dimensioned. The detached nature of the dwelling means that impacts are much less than otherwise would have been for semis or terraced dwellings. The single storey extension at circa 3.9m is marginally over permitted development allowances and therefore the minor element beyond such allowance needed consideration. However as stated, the development meets the 45 degree rule from SPD6 and impacts are also mitigated by the southerly facing rear elevations. The applicant has signed certificate A stating that all works are within their own curtilage. Issues of development close to the boundary would be subject to Party Wall Act considerations i.e. private concerns.

There are no fundamental concerns in relation to the minor front projecting two storey extension and it would not be described as larger two storey extension which the SPD6 seeks to control. Neighbour's outlook at 132 and 136 would remain unaffected.

The objection from the neighbour has been assessed and there are no significant issues arising in terms of residential amenity.

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 revised site plan received 03/02/2025 and drawings numbered 001/A, 002/A 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.

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- 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
TB	5/2/25	DM	5/2/25