

**DELEGATED REPORT**

|                                   |                                   |                                |
|-----------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Charlotte Orrell | <b>Date of report:</b> 09/07/2026 | <b>Ref:</b> 73215/FUL          |
| <b>Registration:</b> 29/05/2026   | <b>LDfC:</b> 23/06/2026           | <b>Expiry Date:</b> 24/07/2026 |
| <b>Site Visit:</b> 10/06/2026     | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 4              | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A   |                                   | <b>EIA:</b> NA                 |
|                                   |                                   | <b>Dec Level:</b> DEL          |
|                                   |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Variation of condition 2 (approved plans) on planning permission 72713 (Two storey extension at side; two storey extension at rear and alterations to existing roof; change to fenestration including render):  
Extend the approved rear extension by up to a further 1.98M

**Location:** 18 Malvern Close, Prestwich, Manchester, M25 1PH

**Description**

The application property is a two storey detached dwelling at the end of the Malvern Close cul-de-sac. The front boundary is lined by a low wooden fence, with the front of the property being separated from this by a paved driveway. There is a gap within the boundary treatment for both pedestrian and vehicular access. There is access for pedestrians to the rear garden from the eastern side, with boundaries to the rear garden characterised by hedging, trees and fencing.

The original application 72713 was to build a two storey extension at side together with a two storey extension at the rear and alterations to the existing roof with a change to the fenestration including render.

This application has now been submitted to vary Condition 2 (approved plans) to increase the projection of the proposed rear extension by a further 1.1m at the eastern side and approximately 2m at the western side.

The proposed two storey rear extension would project a maximum of 6m from the original rear elevation and would span the width of the property as extended at 10.6m. It would incorporate a hipped roof a maximum height of 6.7m and eaves height of 5.2m.

The street scene is residential in nature, predominantly of semi-detached and detached dwellings. The existing parking provision is retained however parking on street along Malvern Close is common.

**Relevant Planning History**

72713 - Two storey extension at side; two storey extension at rear and alterations to existing roof; change to fenestration including render - Approve with Conditions 17/04/2026

**Publicity**

9 neighbouring properties were consulted on 01.06.2026. 3 comments have been received detailing the below concerns:

- Concerns over parking and road safety
- Concerns over access
- Loss of light to neighbouring properties
- Concern over proximity to shared boundary
- Concern over privacy and security

- Concern over the accuracy of the site plan in relation to legal boundaries
- Development would appear out of character

**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                                         |
| NPPF  | National Planning Policy Framework                          |
| SPD11 | Parking Standards in Bury                                   |

**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.

This application proposes the proposed rear extension to be extended further towards the rear. Given this is wholly contained within the rear garden of the property, it would not have an impact on the visual amenity of the street scene as would not be visible and therefore would be considered acceptable.

The previous assessment from application 72713 would still apply as below:

The proposed side extension would be set back from the original front elevation by 9.8m at ground and first floor and would be set down from the existing ridge height of the property. Amendments to the scheme also have set the proposed side extension off of the boundary. Given this, the proposed side extension would appear as a subordinate addition to the host dwelling and would not appear intrusive within the street scene.

In terms of the roof amendment, fenestration change and material amendment, Malvern Close is characterised by a mix of properties using different materials, roof types and fenestrations. For example, there is render used at 25 Malvern Close and differing roof types at 17 and 19 Malvern Close. Given this, it is not considered that these changes would impact the street scene negatively.

The proposed site plan indicates an area for bin storage for non collection days to the side of the property.

Given the above the proposal does conform 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**

SPD 6 contains guidance on aspect standards between residential dwellings.

16 Malvern Close is the neighbour to the west of the application property. Given the orientation of the properties, the proposed rear extension would not impinge at a 45 degree angle to any habitable room windows at this neighbour. There are no windows in the side elevation of 16 Malvern Close that will be impacted. In terms of the rear amenity space, the neighbour is sited to the west and, due to the orientation of the sites, the proposed would not overshadow the entirety of the outdoor amenity space at this property. Furthermore, any windows proposed in the rear elevation, including the proposed Juliet balcony, would not cause any further overlooking impact than exists. Boundary treatment proposed is 1.8m high fencing.

25 Malvern Close is the neighbour to the north-east side. Given the orientation of the properties, the proposed rear extension would not impinge on any neighbouring habitable room windows at a 45 degree angle. There is only one window proposed facing this neighbour, which will serve a bathroom. As this is not a habitable room, and is proposed to be obscure glazed, this is considered acceptable. There will also be a minimum of 10m between the proposed rear extension and the side elevation of this neighbouring property, compliant with SPD 6. Sited away from the proposed side extension, there would be no impact.

The proposed rear extension would be sited between 6.2m-9.2m from the rear boundary. SPD 6 states that first floor windows must be sited a minimum of 7m from neighbouring rear boundaries. Given this, the proposed development would be intrusive to privacy to neighbours to the rear, with the potential to create unacceptable privacy impacts such as overlooking into neighbouring rear gardens. Given this, the proposed is not compliant with SPD 6.

All neighbours to the front would retain the existing interface distances.

### **Parking**

The proposal would retain the existing number of bedrooms however reduce the parking provision at the site and SPD 6 requires parking spaces as set out in SPD 11 Parking Standards to be considered.

The dwelling is sited within Zone 3 with the parking standards for 2 or 3 bedroom properties being 2 off road car parking spaces. The proposed would mean that the existing off road car parking provision is retained. Given this, the proposal complies with SPD 11 and is considered acceptable.

### **Response to Objection Comments**

Concerns over impact on neighbouring property value/light to neighbours are not material planning considerations.

Concerns over boundary treatment being removed prior to works/during works is a party wall/civil matter.

There was also concern over the accuracy of the site plan in relation to legal boundaries, with neighbouring land registry information being submitted. It was argued by the agent that the site plan has been drawn based upon physical land boundaries that have been in place for over 40 years. Boundary disputes are a legal/civil matter if deemed that physical land boundaries do not follow the legal land boundaries.

All other concerns have been addressed within the body of the report.

### **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

## **DELEGATED REPORT**

has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Refuse

**Conditions and Reasons:**

- 1 The size of the site is inadequate to accommodate the development proposed whilst satisfying reasonable requirements for space about the dwelling, particularly in regard to first floor habitable windows needing to be sited 7m from neighbouring rear boundaries to maintain a reasonable degree of separation for privacy purposes and protection of residential amenity. The proposed development therefore conflicts with the guidance outlined within SPD 6.

|                                      |             |                                       |             |
|--------------------------------------|-------------|---------------------------------------|-------------|
| <u>Case Officer</u><br>CO 09.07.2026 | <u>Date</u> | <u>Sign off Officer</u><br>DM 10/7/26 | <u>Date</u> |
|--------------------------------------|-------------|---------------------------------------|-------------|