

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 09/06/2026	Ref: 73044/FUL
Registration: 17/04/2026	LDFC: 12/05/2026	Expiry Date: 12/06/2026
Site Visit: 01/05/2026	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: MIOT

Proposal: Amendment to roof type together with roof extension to increase ridge height to create second floor; Amendment to front/side/rear fenestrations including addition of windows

Location: 5 Back Chapel Street, Tottington, Bury, BL8 4AH

Description

The application property is an end terraced two-storey building on the northern side of Back Chapel Street. The front boundary opens onto Back Chapel Street, with the eastern boundary being formed by the private amenity space to an adjoining neighbour. The western side is also bound by private land, and the northern elevation adjoins 7 Back Chapel Street.

The proposed is to amend the roof type of the property, including a roof extension to increase the ridge height in order to create a second floor. Amendments to the fenestrations are also proposed, including the addition of windows to the side elevations, as well as the replacement of the front door and window in the front elevation.

The roof would be amended from hipped to flat, with the ridge height of the proposed increasing in height by approximately 1.7m. As the existing roof is hipped, and the proposed roof is flat, this would lead to an increase from the eaves of 3.3m. The proposed roof extension would create a second floor at the premises which would include two windows in each side elevation, as well as two large glazed windows in the front elevation.

The proposed amendment to the side fenestrations would include the addition of a door and first floor window in the western side elevation, and the blocking up of the existing door within this elevation. Within the eastern side elevation, a first floor window is also proposed. Within the front elevation, the door and one of the ground floor windows are proposed to be changed to a glazed four panel door.

The area is mixed use in nature, predominantly of residential and commercial uses. Parking at the site is restricted due to the site being sited at the top of a cul-de-sac.

Amendments

Further plans to the scheme were received, seeking to add Air Conditioning Units to the proposed. As the proposed was not considered acceptable, these plans were not accepted and should the applicant wish to add Air Conditioning Units, these would need to be assessed under the submission of a separate application.

Relevant Planning History

None

Publicity

6 neighbouring properties were consulted on 20.04.2026. No comments or observations have been received.

Statutory/Non-Statutory Consultations

Conservation Officer - recommended refusal based on the proposal having an impact on the setting of the Grade II listed 1835 National School to the northwest of the application site

Planning Policy Manager - no comments received.

Traffic Section - no comments received.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/3	Listed Buildings
JP-P2	Heritage
JP-C5	Streets For All
JP-C8	Transport Requirements of New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations

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 application property is sited at a higher ground level to Market Street, and is sited within an area where the material type remains relatively consistent, being of natural stone. The proposed roof extension would therefore appear intrusive within this environment, being of differing materials to those generally used as well as remaining inconsistent with roof types in the area, which are generally dual pitched.

The proposed glazing to the roof extension would also represent an inconsistent addition within this area, and due to the property being sited at a prominent location when viewed both from Market Street and from the church yard to the east, would therefore appear out of character and dominant within the area.

The Conservation Officer was consulted on this application, due to the proposed being sited within the setting of a Listed Building (Former National School). The Conservation Officer made the below comments:

Notwithstanding the harmful impact of the proposal generally on the street scene and the building itself, I consider the proposal will have an impact on the setting of the Grade II listed 1835 National School to the northwest of the application site. It would introduce a contemporising feature to the setting of the listed building causing harm to its historic and architectural interest representing a contemporary development within the historical group of buildings concentrated at the junction of Market Street, Chapel Street and Back Chapel Street.

In terms of the proposed replacement of the door to the western side elevation, and addition of the first floor side windows, these represent minor additions and would be considered acceptable.

The proposed replacement front door would also be considered to be acceptable as is not uncommon of commercial uses, and other properties along Market Street within view of the proposed have these features.

The proposed is therefore considered to conflict with Policy EN1/1 – Visual amenity, EN1/2 – Townscape and Built Design, EN2/3 – Listed Buildings within the UDP as well as Places for Everyone Policy Environment JP-P2 and National Planning Policy Framework paragraphs 207, 208, 210, 212, 213 and 215 and will be refused on this basis.

Residential Amenity

SPD 6 provides guidance on aspect standards between developments.

To the front of the application property are commercial uses pertaining to the Co-Op and

therefore there would be no further impact.

In terms of 7-9 Back Chapel Street, which adjoins the application property to the north, the proposed would add an additional storey, a maximum of 3.3m further in height, and be sited within 8m of a habitable room window at this neighbour. This would not comply with the standards outlined within SPD6. It is noted that a Daylight Assessment has been submitted alongside this application that states a minimal impact would be caused to neighbouring rooms however the report is flawed in that it makes assumptions based on the room sizes and neighbouring property layouts. Furthermore, right to light is not a material planning consideration, and the aspect standards outlined within SPD 6 seek to ensure that adequate privacy distances are retained as well as minimising overbearing relationships. The extension to the roof would therefore introduce windows at second floor which could cause unobstructed views into habitable windows, as well as create a further overbearing relationship and this would not be considered acceptable.

Furthermore, due to the increase in height, the private amenity space to this neighbour would also be impacted further, exacerbated by the application property being sited to the south and therefore within the natural arc of the Sun. Given this, it would also not be considered acceptable.

In terms of neighbours to the west, the proposed would also add an additional storey within 3m of these neighbours. These neighbours also contain roof lights and, due to the higher ground level of the application property, as well as the height of the additional storey proposed, this would introduce unobstructed views into the neighbouring rooms at these properties which would not be considered acceptable.

Given the above, the proposal would not be considered acceptable and will be refused on this basis.

Parking

SPD 11 provides guidance on parking provision within the borough.

The proposed would not increase the number of treatment rooms within the property, and within the Planning Statement states that the proposed is not expected to intensify the use of the site. Given this, the existing parking provision would be considered acceptable.

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, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area, and would impact the setting of the Grade II Listed National School to the north-west of the site. The proposed development therefore conflicts with Policy EN1/1 – Visual amenity, EN1/2 –

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Townscape and Built Design, EN2/3 – Listed Buildings within the UDP as well as Places for Everyone Policy Environment JP-P2 and National Planning Policy Framework paragraphs 207, 208, 210, 212, 213 and 215.

- 2 The height of the proposed, in relation to neighbouring residential properties, would result in an unacceptable reduction in the level of privacy presently enjoyed by the occupiers of that adjoining property, as well as creating an overbearing addition. The development is therefore contrary to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Guidance Note 6 - Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CO 09.06.2026			