

**DELEGATED REPORT**

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| <b>Report by</b> Amanda Uhunmwagho | <b>Date of report:</b> 17/08/2026 | <b>Ref:</b> 73359/FUL          |
| <b>Registration:</b> 01/07/2026    | <b>LDfC:</b> 23/07/2026           | <b>Expiry Date:</b> 26/08/2026 |
| <b>Site Visit:</b> 14/07/2026      | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 3               | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A    |                                   | <b>EIA:</b> NA                 |
|                                    |                                   | <b>Dec Level:</b> DEL          |
|                                    |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Two/single storey rear extension and new windows to rear elevation

**Location:** 29 Nelson Street, Bury, BL9 9BL

**Description**

The application relates to a mid-terrace, two-storey property with a small garden area to the front and yard to the rear. There is no on site parking. At the rear of the original dwelling is a flat roof single storey kitchen extension and a shed. No.27 Nelson Street to the north does not have any rear extensions to the original dwelling and no.31 to the south has a single storey flat roof extension.

The proposal is to extend the existing single storey extension to create a larger kitchen and to add a bathroom at first floor level. At ground floor the extension would project 4.9m and it would measure 3.23m wide. The roof would be flat. The first floor section would project 2.35m and measure 3.23m wide. The roof would be pitched. There would be a door and window to the southern side elevation at ground floor level and the bathroom window to the first floor would face the rear of the site.

**Relevant Planning History**

73360 - Lawful development certificate for proposed conversion of dwelling to HMO (Class C4) and dormer at rear -

**Publicity**

5 neighbours notified on 01/07/2026 - Two objections received. A summary of the objections is shown below.

- The two-storey extension will have a detrimental impact on light to their property and yard. It will make their property dark and gloomy.
- The two-storey extension would have a detrimental impact on their quality of life in their home.
- The two-storey extension would not be in keeping with other properties in the area which only have single storey extensions.
- The extension would have a detrimental impact on privacy levels in their rear garden.
- The two-storey extension would be oppressive and would have an overbearing dominance.
- The two-storey extension would be unsightly.

One neighbour also made a complaint that they had not been notified about an HMO application at the site, reference 73360. This application is completely separate to the current planning application and holds no bearing over the decision. It is noted that neighbours were not notified about that application as it is in respect of a Lawful Development Certificate.

## **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.

### **Issues and Analysis**

The main considerations of this application are the impact of the proposal on visual and residential amenity.

#### **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.

The proposed finished materials used in the construction of the proposed rear extensions would be considered to be in keeping with the existing building and the design would be considered to be a common design of partial single/two storey rear extensions on this type of dwelling.

One of the points raised in the objections is that there are no other properties in the area with two storey rear extensions. There are in fact a handful of properties with two storey rear extensions in the vicinity, two of which are on Nelson Street. However, even if there were no existing two storey extensions in the area, if the proposal were to meet all the requirements in terms of policy and adopted guidelines a two storey extension could still be approved.

In terms of the design and finished materials the proposal would be considered to be in keeping with the existing building and there would be no reason to refuse the proposal in terms of visual amenity.

Given the above the proposal conforms 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 -**

- As the extension would be to the rear of the dwelling there would be no detrimental impact on residential amenity at properties to the front of the site.
- The separation distance from the rear extension to the rear elevations of properties on Grosvenor Street to the rear would be acceptable in terms of SPD 6.
- The distance from the rear of the two-storey extension to the rear site boundary would be acceptable in terms of SPD 6.
- There is a single storey extension to the rear of no.31 Nelson Street, located to the south of site. As the proposed ground floor part of the extension would project to a similar point as the single storey extension at no.31, and the projection of the proposed first floor section would be less than 3m, it is considered that the proposed development would not cause any seriously detrimental harm to residential amenity to windows on the rear of no.31 and their garden area.
- The site is also due north of no.31. As such any impact on light to the rear of this property would not be detrimental enough to warrant refusal of the proposal.
- No.27 Nelson Street to the north of the site has not been extended to the rear. The proposed ground floor section of the extension would not project any further along the shared boundary with no.27 than the existing one does now. As such this part of the development would not have any significant detrimental impact on residential amenity at the rear of this neighbouring property.
- In terms of any impact on residential amenity at the rear of no.27 Nelson Street it could be possible for the applicant to build a two storey extension projecting up to 1m from the original rear elevation. As the proposed first floor section would project 2.35m it would be considered that the two storey extension would have a seriously detrimental impact

## **DELEGATED REPORT**

on residential amenity to openings at the rear of no.27, and also the rear yard. As such it would not comply with the requirements of SPD 6.

- It is noted that had the proposal been to extend at first floor level to the south side of the site it may have been more likely to be approved given there is a single storey extension at no.31 next door.

Taking the above into account the proposal does not conform to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of the projection of the two storey extension adjacent to the shared boundary with no.27 Nelson Street.

### **Parking -**

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the highway to the front or rear of the site.

### **Response to neighbour objections -**

The objections have been addressed in the report above and by way of refusal of the proposal.

The Lawful Development Certificate (LDC) application referred to is a separate application and it does not have any bearing on the decision for the planning application. With regards to the neighbours not being notified about the LDC, neighbours are not notified for this type of application as it is simply to determine if a development would be lawful, or not.

### **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 seriously detrimental to the residential amenities currently enjoyed by the occupiers of the adjoining dwelling house, 27 Nelson Street, by reason of its height, size and position in relation to the rear of that property. The proposed development therefore conflicts with the 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.

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| AU - 17/08/2026     |             | DM 18/8/2026            |             |