

DELEGATED REPORT

Report by Mo Warsame	Date of report: 08/09/2025	Ref: 72101/FUL
Registration: 24/06/2025	LDfC: 01/08/2025	Expiry Date: 19/08/2025
Site Visit:	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: Single storey extension at the rear; rear dormer extension and 2 no. roof lights to front elevation

Location: 21 Devon Street, Bury, BL9 9BN

Description

The site is a brick/tile mid-terrace property in an area of mainly terrace rows. The property has been extended previously at the rear in yard area which has a roof that slopes downwards away from the house to the back street. The attached properties are No.19 and No.23 Devon Street.

Planning permission is sought for the erection of a single storey extension at the rear; rear dormer extension and 2 no. roof lights to front the elevation.

The the single storey extension would wrap-around the existing single storey structure at the rear, projecting 2m on one side and 4m on the other side. It would run the width of the property and unlike the existing structure, the proposed single storey rear extension would have a flat roof with sky window. The existing pitched roof structure would also have a proposed sky window.

The rear dormer extension would have a flat and setback from the eaves and the main ridge. The proposed roof lights to the front would be aligned with each other. Overall, the development would accommodate a kitchen extension at the ground floor level and two additional bedrooms along with a separate bathroom on the loft area. The proposal would be constructed using matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 24/06/20204. No objections received.

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed dormer at the rear would have a simple and unobtrusive design, which would not detract from the character of the dwelling. The design would not over dominate the character of the original dwelling and it should also be noted that this dormer could be built as Permitted Development. Moreover, it would be constructed with materials to match the existing dwelling. As such, the proposed dormer would not be a prominent feature in the street scene and would comply with Policies H2/3 of the Bury Unitary Development Plan and SPD6

The single storey extension would be built on the rear elevation of the property and as such would not be visible from the street scene at the front. It is considered that the proposal would not be intrusive feature within the street scene or to the visual amenity of the area. The velux windows to the front would also be acceptable.

The Council policy in H2/3 and SPD6 considers that development management is keen to ensure that enough private garden space is left after any extensions in order to avoid over-development of the site. Any proposals should not therefore significantly reduce the amount of usable amenity space for the property to an unacceptable degree. Whilst the proposed development would reduce the private amenity space, it is considered that this space would be sufficient, and would be a suitable or usable amenity space for the property.

It is therefore considered that the proposed extension would not lead to an insufficient amount of usable amenity space, and would therefore not be detrimental to the character of the street scene and as such would comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

- In terms of overlooking and privacy, there would be no proposed side windows on either side facing the adjacent neighbours.
- SPD states that a single storey extension should not project more than 3m along a neighbouring boundary. At which point the 45° rule would apply. However, taking in to account the Larger Homes Scheme and that the adjacent neighbours have not objected the projection of 4 metres along the shared boundary would be acceptable.
- The proposed dormer extension would be built entirely on the existing footprint of the property. The proposed dormer would not have windows to the sides. Furthermore, number of properties within this street have similar development approved. Therefore, the proposed rear dormer extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Overall, there would be no serious impact on amenities of the adjacent neighbouring properties. The proposal therefore conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Highways

The proposal will result in one additional bedroom and there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

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 Drwg No. 01 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>
MW	08/09/2025	DM - 08/09/2025	