

DELEGATED REPORT

Report by Jane Langan	Date of report: 15/01/2026	Ref: 72636/FUL
Registration: 04/12/2025	LDfC: 05/01/2026	Expiry Date: 29/01/2026
Site Visit: 08/01/2026	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 rear extension

Location: 5 Wolstenholme Avenue, Bury, BL9 5HN

Description

The property is a two storey semi detached house. It has a path along the side leading to a paved rear garden. The rear elevation has one small window and a bay to the party wall side. The adjoining No.7 has the same bay to the rear and there is low fencing separating along the garden boundaries. To the opposite side No.3 is extended single storey at the rear and there is a door and window in the side facing. To the rear the site borders the rear garden to 6 Eastham Ave.

The application proposes a single storey rear extension 4m deep across the width of the rear elevation. It would form a an extended kitchen/diner.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

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.

Visual amenity and design - The proposed extension would have a monopitch roof with rooflights and a door and window to the rear elevation. Materials would be brickwork and roof slates to match the existing.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would not increase the number of bedrooms therefore, in this respect, SPD 11 Parking Standards need not be considered. The front garden is fully hard surfaced and used for parking and this would not be affected by the proposal.

Residential amenity - The unattached No.1 is extended single storey at the rear and the proposal would run as blank wall to around the same depth.

Where adjacent the boundary with the adjoining semi No.7 the proposed extension would project as blank wall approximately 3.5m out from its bay window. With regard to the 45 degree rule then, due to the proximity of the window to No.7, the 45 degree line would be encroached at a point less than the 3m that SPD6 deems acceptable and taking a 25 degree line at this point it would also be encroached. The consideration then is the impact of the additional 0.5m from the main rear window to No.7 in excess of 3m. The proposed

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extension would have a solid side walls and a monopitch roof extending from 3.68m in height down to 2.56m at the eaves. With the garden to this neighbouring property south facing it is not considered that the additional 0.5m would cause any significant loss of light or overshadowing than the 3m which SPD6 considers acceptable and is generally permitted development. A further material consideration is also the larger homes scheme which can allow single storey extensions up to 6m deep where there are no neighbour objections. None have been received in this case.

For the reasons as stated above there are not considered to be any justified grounds for refusal in this case.

The proposal would not conflict with the purposes of UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

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 Existing Block Plan, Proposed Block Plan, 1 of 2, 2 of 2 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>
JL	15/01/26	DM	21/01/2026