

DELEGATED REPORT

Report by Tom Beirne	Date of report: 21/01/2026	Ref: 72631/FUL
Registration: 03/12/2025	LDFC: 04/01/2026	Expiry Date: 28/01/2026
Site Visit: 15/01/2026	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: DEL
		Stat Class: HOUS

Proposal: First floor side/rear extension with juliette balcony to rear

Location: 40 Windsor Avenue, Whitefield, Manchester, M45 6BA

Description

The property is a two-storey semi-detached dwellinghouse with a front porch and attached single garage at the side, situated on a residential road of similar styled properties. The dwelling has a garden and drive to the front along with a larger garden to the rear. The attached property is No. 42 and has not been extended. The unattached neighbour on the other side has a driveway running down the side of the shared boundary.

The proposal is to extend above the existing single storey side extension with a set back of 1.5m at the front. It would run back and around the rear elevation, above the single storey outrigger at the rear, stopping 2.5m short of the shared side boundary with the attached neighbour at No.42. The roof would be hipped and carried over onto the main roof at a slightly lower level. The extension would be finished in red brick to match the house.

Relevant Planning History

70648 - Demolition of existing garage and erection of single storey extension at side - Approve with Conditions 30/05/2024

Publicity

Immediate neighbours notified by letter dated 11/12/2025. 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 - With a red brick finish and hipped roof and setback at the front, the extension would be in keeping with the scale and appearance of the existing house and would be appropriate within the streetscape. The proposal is acceptable and complies with UDP Policy H2/3 and guidance with SPD6.

Residential amenity - Given the relationship to the neighbours, there are no residential amenity issues arising from the proposal. The extension would not contravene the '45 degree rule' or have a serious impact on light or privacy. It is noted that there are no objections from neighbours. In terms of residential amenity, the proposal is acceptable and complies with UDP Policy H2/3 and guidance with SPD6.

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

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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 502, 002 and 003/1 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.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	21/01/2026	DM	21/01/2026