

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 09/01/2026	Ref: 71987/FUL
Registration: 03/07/2025	LDFC: 31/07/2025	Expiry Date: 28/08/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level:
		Stat Class: HOUS

Proposal: Removal of 2 no. chimney stacks; Alterations to windows on the western elevation

Location: Irwell View Farm, Touch Road, Bury, BL9 5QS

Description

The application property is a two storey detached dwelling located on the south/south-eastern side of Touch Road.

The front boundary is open onto the front driveway for the property. The side and rear boundaries are characterised by low walls and trees/hedging.

The proposal is to remove two chimney stacks and replace windows in the western elevation of the property. The chimney stacks removed are on the front roof plane of the property, with both being visible on the northern elevation.

The proposals to the western elevation would remove two small windows in the centre of the elevation and replace them with a large floor to ceiling window. Two other windows would also be placed within this elevation to serve a bathroom at ground floor and an en suite at first floor.

From correspondence with the applicant, it was established that the works had been carried out prior to determination of the application and so this application is for retrospective consent.

The site is located within the Green Belt.

Amendments

Amendments were sought in order to match the plans to the works that had been carried out on site.

Relevant Planning History

39023 - FIRST FLOOR/SINGLE STOREY EXTENSION AT SIDE; CONSERVATORY AT REAR - AC 30/04/2002

40299 - TWO STOREY EXTENSION AT SIDE - AC 21/03/2003

72108 - Prior approval for proposed single storey rear extension - Prior Approval Not Required - Extension 05/08/2025

05/0138 - CONVERSION WORK - DEMOLITION - 15/12/2005

Publicity

3 neighbouring properties were consulted on 10/07/2025. No comments have been received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
OL1	Green Belt
NPPF	National Planning Policy Framework
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.

Green Belt-

The proposal is considered to be modest and due to the siting of the proposed amendments, there would be no public views or impact on the character and openness of the Green Belt. The proposal is therefore acceptable and complies with the NPPF and UDP Policy OL1 Green Belt.

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 proposals represent modest amendments to the property. Furthermore, the western elevation where the windows are being replaced is shielded from public view and so would not have a visual impact on the area.

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-

The proposed window amendments are facing away from any immediate neighbouring properties and so would not have any impact on residential amenity.

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 Proposed Ground and First Floor, drawing number L(00)03 Rev C, dated 23.06.2025, Proposed Elevations, drawing number L(00)04 Rev C, dated 23.06.2025 and Proposed Site Plan, drawing number S(00)03 Rev B, dated 23.06.2025 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 H2/3 - Extensions and Alterations of the Bury Unitary

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Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CO	8/1/26	DM	9/1/26