

DELEGATED REPORT

Report by Mo Warsame	Date of report: 06/11/2025	Ref: 72331/FUL
Registration: 28/08/2025	LDFC: 07/10/2025	Expiry Date: 23/10/2025
Site Visit: 16/10/2025	Site Notice: N/A	Press Date: N/A
12:00:00		
Objections: 1	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Part single/part two storey rear extension

Location: 272 Market Street, Bury, BL9 9JN

Description

A terraced property located Market Street with a drive to the front and garden/yard to the rear. The adjoining properties on either side are No. 270 and No.274.

Planning permission is sought for the erection of a part single/part two storey rear extension. The single storey element would have no projection towards the rear but would extend towards the side near the shared boundary with No.270. However, a small setback would be left between the extension and the shared side boundary. The two storey segment with its splayed corners would project 1m along the shared boundary with No 274 and 2.5m along the opposite side. The development would have a pitched roof over the two storey extension and flat roof over the single storey element. The development would facilitate two additional bedrooms and bathroom extensions. The proposal would implement the use of matching materials.

Relevant Planning History

60358 - Prior notification for proposed single storey rear extension - Prior Approval Not Required - Extension 22/08/2016

Publicity

Neighbour letters sent on 15/09/2025. one objection received.

Comments: Concerns regarding the lose of light which would also cause overshadowing. Impact garden enjoyment. May affect shared ginnel/access.No other 2 storey extensions in the vicinity.

Other concerns include the loss of tree to the rear of the property following construction.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations

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 part single, part two-storey rear extension would be built with matching materials that would be in-keeping the existing building. Even though the single storey element would a

very large extension, its design is commonly found on this type of property and as such, there are number of properties with similar developments within this street.

The proposed two storey element, whilst not as common on this street as the single storey segment, it would nevertheless be a modest structure that is designed to mitigate to potential encroachments that could be caused to its neighbours.

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.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

- The extension would be built on the rear of this building, therefore, there would be no impact on properties to the front.
- There would be a sufficient distance between the properties at the rear and the proposed development.
- The proposed development would project as blank wall on the side of the ground floor facing No.270 and the proposed side window on the first floor above would be facing towards an angle and as such would not directly overlook the neighbouring property. The proposed ground floor side windows on the opposite side would be shaded by the existing high side boundary wall.
- The single storey element would only extend to the side towards the shared side boundary with No.270 , leaving a short setback and retaining ginnel access.
- The two storey segment would project 1m along the shared boundary with No 274 before its splayed corner runs inwards at an angle to a WC. Overlooking would not be an issue.
- Additionally, there would be sufficient setback distance between the proposed two element and the shared side boundary with No.270 to mitigate any detrimental encroachment.

The proposal conforms 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 separation distance to the surrounding properties.

Response to objection (s)

The original design has been amended (Dwg no. Sheet 3 of 3 (Rev:A) to mitigate any detrimental impact on the neighbouring properties. The amended scheme would now be acceptable and would not lead to any adverse implications.

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 Sheet 1 of 3, Sheet 2 of 3, Dwg no. Sheet 3 of 3 (Rev:A) 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	6/11/25	DM	6/11/25