

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 16/02/2026	Ref: 72716/FUL
Registration: 12/01/2026	LDfC: 12/02/2026	Expiry Date: 09/03/2026
Site Visit: 28/01/2026	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: HOUS

Proposal: Part single/two storey rear extension

Location: 18 Birch Street, Bury, BL9 5AL

Description

The application relates to a two-storey mid-terraced dwelling on the northern side of Birch Street. The property is separated by the pavement to the front by a low red brick wall and railings with an access gate for pedestrian access. To the sides, red brick walls bound the rear garden of the property with a high brick wall together with an access gate for pedestrians to the rear.

The proposal is to build a part single/part two storey rear extension. The proposed ground floor extension would project 3.3m from the original rear elevation of the property and would span the width of the existing property at 4.4m. The ground floor section to the west of the property would be a maximum of 3.7m in height, incorporating a pitched roof.

In terms of the proposed first floor rear section, it would also project 3.3m from the original rear elevation and be set in from the boundary to the east, being only 2.9m in width. It would incorporate a gable end roof, 5.6m to the eaves and 6.5m to the ridge approximately.

The street scene is characterised by terraced dwelling and commercial buildings, with rear extensions along Birch Street being common for the residential terraces. Some properties feature two storey outriggers however these are not the norm.

Parking is generally on street for this section of Birch Street, with none of the properties having private driveways.

Relevant Planning History

None

Publicity

4 neighbouring properties were consulted on 21/01/2026. One objection has been received raising the following concerns:

- Loss of light to neighbours yard
- Loss of privacy from being overlooked
- What will the property be used for on completion? Will it be as a family home or HMO?
- When will the works be carried out? The neighbour would like to know these prior to commencement
- Party wall concerns

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Development Plan and Policies

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

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 proposed would use the same materials as the host dwelling and incorporate pitched roofing which is favoured and therefore considered acceptable.

In terms of the size however, the proposed would span the width of the property at ground floor and, at first floor would project along the boundary with 16 Birch Street by 3.3m. Given the scale of the proposed, as well as it not being set off the boundary with 16 Birch Street, it would therefore appear as an intrusive addition as viewed down Back Birch Street. It is noted that opposite the property there is a two storey outrigger however this would exacerbate a potential tunnelling impact that the proposed would cause down this street further impacting the character of the area, which is generally open.

Given the above the proposal does not conform 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 -

Neighbours to the rear would retain approximately 12m from the extension to the boundary compliant with that outlined within SPD6.

16 Birch Street is the adjoining neighbour to the east. As outlined within SPD6 and under permitted development rights, which is a material consideration, terraced properties can have rear single storey extensions of up to 3m in projection. The proposed ground floor extension projects 3.3m from the original rear elevation which is further than that usually considered acceptable. SPD6 also outlines that ground floor rear extensions may still be acceptable where they do not impinge on habitable room windows at neighbouring properties at a 45 degree angle. The proposed ground floor extension would impinge on a kitchen/diner which is considered a habitable room and so for this reason it would not be considered acceptable. Furthermore, the proposed first floor extension would impinge on a bedroom window at first floor at a 45 degree angle and would project along the boundary with 16 Birch Street by 3.3m, further than 1m, which conflicts with guidance outlined within SPD6. Given the cumulative impact of that discussed above, it is therefore not considered acceptable.

20 Birch Street is the adjoining neighbour to the west. The proposed would not impinge on any main room windows at a 45 degree angle at ground floor due to the kitchen door being sited in the rear elevation of 20 Birch Street closest to the proposed. The proposed first floor extension would also be set off the boundary with this neighbour and would not impinge on any habitable room windows at first floor, as the bathroom is closest at 20 Birch Street to the proposed. Given this, the impact on 20 Birch Street would be considered acceptable.

Response to Objection Comments

Subject to an approval, the proposed would need separate planning consent to be used as an HMO.

When the works would be carried out is not a material planning consideration however, subject to an approval, a condition requiring the works to be started within 3 years of the date of the decision would be enforced. Party wall concerns are also a civil/legal matter and not a material planning consideration.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties
- 2 The proposed extension would result in an unacceptable reduction in the level of amenity currently enjoyed by the occupiers of 16 Birch Street by reason of the impingement and subsequent impact of habitable windows in this neighbouring property. The proposed development therefore conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated 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 13/2/26		DM 16/02/2026	