

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 07/08/2026	Ref: 73389/FUL
Registration: 02/07/2026	LDFC: 31/07/2026	Expiry Date: 27/08/2026
Site Visit: 29/07/2026	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 rear extension; Single storey rear extension; Loft conversion with rear dormer and juliette balcony; Front porch

Location: 24 Lindale Avenue, Bury, BL9 8ED

Description

The proposal relates to a two storey semi-detached dwelling on the eastern side of Lindale Avenue. The front of the property is separated from the pavement by a small garden area with a low brick boundary wall. To the northern side, there is an access for pedestrians to the rear garden. The rear garden boundaries are formed by vegetation and timber fencing. There is a small detached garage to the rear of the property.

The proposal is to build a first floor rear extension and single storey rear extension together with a loft conversion incorporating a rear dormer and juliette balcony, and a front porch.

The proposed single storey rear extension would project 3m from the original rear elevation of the property and would span the width of the property at 5.8m. It would incorporate a flat roof a maximum of 2.8m in height.

The proposed first floor rear extension would project 3m, would be 3.5m in width and would be set in from the neighbouring boundary with 22 Lindale Avenue by 2.5m. It would incorporate a dual pitched, gable end roof 5m to the eaves and 6.5m to the ridge.

The proposed rear dormer would project from the rear roof plane by 3.3m and would be 5.7m in width. It would be 2.1m in height.

The proposed porch would project 0.8m and would span 2.7m in width. It would also include a canopy spanning the width of the property at 5.8m. It would incorporate a hipped roof 2.9m to the eaves and 3.6m to the ridge.

The area is predominantly residential in nature with other uses such as a school also within the area. Parking is predominantly on street.

Amendments

Amendments were requested in order to set the proposed single storey rear extension back to 3m to prevent any impact on the adjoining neighbour. The proposed dormer was also reduced in height, and the proposals were set in so that the gutters did not overhang neighbouring boundaries.

Relevant Planning History

None

Publicity

7 neighbouring properties were consulted on 10.07.2026. One comment has been received

detailing the below concerns:

- No objection in principle but requested the following:
- Construction hours restrictions
- A Construction Management Plan to be submitted
- 48 hours written notice before any works affecting access to the neighbour
- Works to comply with the Party Wall Act 1996.
- Any first floor and loft side-facing windows to be obscure glazed to level 4 and non-opening below 1.7m to prevent overlooking
- Asked for clarification on whether any request or application has been made to use this property as a HMO (House of Multiple Occupancy)

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
SPD11	Parking Standards in Bury

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 rear extensions would be sited within the rear garden space of the application property and therefore would be mostly out of view. Where they would be visible along Allendale Drive, the proposals would appear subordinate by virtue of them being set down from the original ridge height of the property.

The proposed dormer would be set down from the original ridge height of the property and in from the eaves. Furthermore, other properties within the area feature similar dormers such as at 10 South Close and so it is not considered it would appear incongruous within the area.

The proposed porch would also appear in character with the existing area with other properties featuring hipped porch extensions, such as at 20 Lindale Avenue.

Materials proposed are to match that of the existing dwelling, and bin storage would remain unchanged for storage of bins on non-collection days.

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

SPD 6 provides guidance on aspect standards between residential developments

22 Lindale Avenue is the adjoining neighbour. The proposed single storey rear extension would project 3m, compliant with the guidance outlined within SPD 6 and therefore considered acceptable. The proposed first floor rear extension would not impinge on any habitable room windows at this neighbour at a 45 degree angle, also compliant with the guidance outlined within SPD 6. The front porch and canopy, projecting only 0.8m from the original front elevation would also not impinge on any habitable room windows at a 45 degree angle. Despite the proposed rear dormer introducing habitable rooms within the roof space, it is not considered these would cause any further overlooking impact to this neighbour than existing first floor habitable room windows, and therefore this would be considered acceptable.

26 Lindale Avenue is sited to the north of the application property. Sited in excess of 19m from the proposals, with no directly facing habitable room windows, this would be considered acceptable.

Neighbours to the east would retain over 23m between the proposals and habitable room windows, compliant with guidance outlined within SPD 6. Distance to the neighbouring rear boundary is also approximately 13m, compliant with the guidance outlined within SPD 6.

Neighbours to the west retain over 21m, also compliant.

Parking

The proposal would increase the number of bedrooms from 2 to 4 and SPD 6 requires parking spaces as set out in SPD 11 Parking Standards to be considered.

The dwelling is sited within Zone 4 and therefore the parking standards for 4 bedroom properties is 3 off road spaces. The proposed would mean the driveway to the rear is retained and therefore the property would retain 1 off road car parking space.

Despite this falling short of the 3 off road car parking spaces required under SPD 11, the majority of parking along Lindale Avenue is on street as many properties do not feature large driveways. Parking is unrestricted in this area, and the property is sustainably linked being within 200m of bus stops. Given this, it would be acceptable in this instance.

Response to Neighbours Comments:

Construction hours restrictions and a Construction Management Plan to be submitted are not reasonable conditions to impose on householder applications.

48 hours written notice before any works affecting access to the neighbour and for the works to comply with the Party Wall Act 1996 are civil/legal matters.

There are no first floor and loft side-facing windows to face neighbours to the side.

There is currently no application to use the application property as an HMO. To do this, separate consent would need to be sought.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 267-POO1 Rev E, 267-PO12 Rev E, 267-PO11 Rev E, 267-PO10 Rev E, 267-PO13 Rev E, 267-PO21 Rev E, 267-PO22 Rev E, 267-PO30 Rev E, 267-PO20 Rev E and 267-PO23 Rev E and the

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

<u>Case Officer</u> CO 07/08/2026	<u>Date</u>	<u>Sign off Officer</u> HL 13/08/2026	<u>Date</u>
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