

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 27/01/2026	Ref: 72723/LDCP
Registration: 12/01/2026	LDfC:	Expiry Date: 09/03/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: NREQ

Proposal: Lawful Development Certificate for proposed single storey rear extension with sloped roof, front porch and garage conversion to provide toilet, utility room and office. Garage will be partially bricked up with new UPVC window installed

Location: 36 Freckleton Drive, Bury, BL8 2JA

Description

Lawful Development Certificate for a proposed single storey rear extension with a sloped roof, together with a front porch and a garage conversion to provide a toilet, utility room and an office. The existing garage door will be partially bricked up with a new UPVC window installed.

Relevant Planning History

None

Publicity

None relevant

Statutory/Non-Statutory Consultations

None relevant

Pre-start Conditions - Not relevant

Development Plan and Policies

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.

Proposed Rear Extension

In terms of the proposed rear extension, the dwelling is not Listed, nor is it in a Conservation Area.

There is no enforcement and the proposed development would be on land wholly owned or controlled by the applicant.

Permitted Development Rights have not been removed.

The proposal would not take up more than 50% of the area of the curtilage, not including the area of the dwelling.

The proposal would not extend beyond the rear wall of the original dwelling by more than than four metres (detached dwelling).

The proposed development would not extend beyond a wall which forms the principal or a side elevation of the original dwelling and fronts a highway.

The overall height of the proposal would not exceed four metres.

The height to the eaves would not exceed three metres.

Having regard to the above the proposal would be lawful as it falls within the limitations of Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Proposed Porch

The dwelling is not listed nor is it in a Conservation Area.

There is no enforcement and the proposed development would be on land wholly owned or controlled by the applicant.

Permitted Development rights have not been removed.

The proposal would not take up more than 50% of the area of the curtilage, not including the area of the dwelling.

The proposed would have a maximum height of 3.6m and therefore exceeds the height limit of 3m.

The porch as extended is 1.7m x 1.7m, an area of 2.89m² and therefore does not exceed the 3m² limit.

The porch would not be within 2m of the highway.

Having regard to the above the proposal would not be lawful as it does not fall within the limitations of Part 1 Class D of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Garage Conversion

The partial bricking up of the garage door within a dwellinghouse and the insertion of a new window would constitute an alteration or improvement to the dwellinghouse under Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such would be lawful.

The conversion of a domestic garage to a habitable use is not a material change of use as such does not constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended).

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposal, described in the First Schedule, is considered to constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended) and is **not** deemed to be 'Permitted Development' having regard to the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The proposed development **will** therefore require the submission of a formal planning application.

<u>Case Officer</u> CO 27/01/2026	<u>Date</u>	<u>Sign off Officer</u> DM 28/01/2026	<u>Date</u>
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