

DELEGATED REPORT

Report by Tom Beirne	Date of report: 09/05/2025	Ref: 71748/FUL
Registration: 21/03/2025	LDFC: 23/04/2025	Expiry Date: 16/05/2025
Site Visit: 06/05/2025	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey extension at rear/side to convert bungalow into 2 storey dwellinghouse with two storey front porch & balcony at rear/side

Location: 357 Ainsworth Road, Bury, BL8 2LU

Description

The application relates to a detached bungalow within a large backland plot on the south side of Ainsworth Road. The bungalow is set within a large garden and has a number of outbuildings, including a brick built annex to the east of the house. Access is gained through an automated gate onto Ainsworth Road.

There are a number of protected trees on the site. A number run along the driveway into the site and one in the rear garden itself. A second beech tree in the rear garden, close to the eastern boundary, appears to have been removed.

The proposal involves extending the property out to the side by 2.3m and to the rear by 3m and adding a first floor. The first floor extension would take the main ridge from 5.2m to 8.5m and at the front, would involve three pitched roof dormers and a glazed, gable fronted porch. The rear elevation would have a full height wall.

The extended property would be finished in red/brown brick with grey roof tiles and accommodate 4 bedrooms. Windows would have stone heads and cills.

Relevant Planning History

65894 - Erection of detached garage/outhouse - Approved 21/10/2020
14/0330 - Work carried out to TPO trees - 11/11/2014

Publicity

Immediate neighbours notified by letter dated 01/04/2025. Objections received from two neighbours on Ainsworth Road. Concerns summarised below:

- Site used as a builders yard.
- An outhouse which was given permission about 4 years ago, this is now a detached bungalow being rented out as an Air BnB.
- The landscape has already been ruined by lopping perfectly good trees down.
- The proposed house is disproportionately large for the plot & surrounding area. It's not in keeping with the existing neighbourhood character, which predominantly comprises modest-sized homes that sit comfortably within their plots. The scale & bulk of the proposed structure will create a dominating & incongruous presence.
- There has already been multiple unauthorised building activities on this site, disregarding planning regulations & undermining the legal process.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN8	Woodland and Trees

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 - The residential plot is large and well landscaped and could, relatively comfortably, accommodate a larger house than the current bungalow. The site is a backland plot and not viewed from the public arena. Views are limited and from surrounding neighbours through mature boundary planting.

In terms of size and scale, the proposed extensions are relatively modest in the context of the large plot and surrounding properties. The roof retains a relatively low profile with dormers to the front.

In terms of design, the finished property with the extensions and brick finish, would be traditional in appearance and would not appear out of keeping with the plot and surrounding residential development.

The proposal is considered to be acceptable in terms of visual amenity and complies with UDP Policy H2/3 and associated guidance in SPD6 relating to extensions and alterations.

Residential amenity - Given the distance to the site boundary, the additional storey on top of the bungalow does not raise any residential amenity issues. The extended property would not be overdominant or create any overshadowing of surrounding properties. The first floor habitable room window closest to the boundary at the front would be over 13m away to the shared boundary with No.353 Ainsworth Road and this is well in excess of the 7m minimum distance suggested by guidance. The new windows at the rear face over the rear garden and don't overlook neighbours.

In terms of residential amenity, the proposal is considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6 relating to extensions and alterations.

TPO Trees - Given the position and scale of the proposed extensions, there would be no impact on the existing protected trees within the site. It would be appropriate to attach a condition requiring tree protection measures to be installed prior to commencement of development.

Enforcement Issues - There is a current planning complaint registered suggesting that the existing annexe is being used as an Air BnB. This is currently being investigated but does not impact materially on the assessment of this planning application. Any enforcement action required would not be affected by the granting of this application.

Public comments/objections - The material planning related concerns have been addressed in the above report. Other issues are addressed below.
The site does not appear to be used as a 'builders yard', rather the site is well maintained with a mature landscaped garden.
The existing outbuildings have either received planning permission or, set off the boundary, appear to be 'permitted development'.

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 1, 2 and 3 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 Prior to commencement of development all TPO trees on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to UDP Policy EN8 Woodland and Trees.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	09/05/2025		