

DELEGATED REPORT

Report by Jane Langan	Date of report: 12/06/2026	Ref: 73160/FUL
Registration: 01/05/2026	LDfC: 05/06/2026	Expiry Date: 26/06/2026
Site Visit: 20/05/2026	Site Notice: N/A	Press Date: N/A
Objections: 9	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Two storey side extension

Location: 11 Dumers Lane, Bury, BL9 9PE

Description

The property is an end terrace with two storey outrigger across part of the rear. There is garden to the front, side and yard to the rear. A brick boundary wall with planting to the rear runs along the front boundary and along the side and rear is concrete post and timber panel fencing. The property has no off street parking and there is a bus stop directly outside at the front. The adjoining property is No.13 and to the opposite side is a paved area with trees and to the rear of this is Britain Street. The rear of the site backs on to a back access street.

The application proposes a two storey side extension. It would come 4m out at the side, set back 1m from the front elevation, and run for 11.6m along to meet the existing level of the outrigger. The extension would form an extended kitchen and two bedrooms and a bathroom at ground floor. At first floor two bedrooms with en suites and an existing bedroom would become a study.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and 9 objections have been received. The concerns in summary are :-

- The proposed layout appears that it will become a 6 bed HMO (House of Multiple Occupation)
- Bury Council has introduced Article 4 controls requiring planning permission for changes from a dwellinghouse to a House in Multiple Occupation
- Not the layout of a family home
- Property is already a 3 bed HMO
- Reports of police attendance and anti social behaviour
- Terrace forms a historic streetscape the proposal would harm its integrity, conflicting with UDP EN1/1 and NPPF para. 197 on non-designated heritage assets.
- Overdevelopment, would not provide a high standard of amenity for future occupants
- Little outdoor space for 12+ residents
- The property has no off street parking. There is also a bus stop directly outside.
- Parking is limited in this area. Residents rely entirely on limited on street parking.
- HT2/4 states that development must not "exacerbate existing on-street parking problems"
- Traffic management plan should be required if the application is accepted.
- Additional refuse and recycling generation requiring storage and collection arrangements
- Increase in noise and disturbance

- Overlooking from first floor windows on the eastern side
- A bat survey should be requested. There are bats in the area.

Statutory/Non-Statutory Consultations

United Utilities (Water and waste) - No comments received.

Pre-start Conditions - Not relevant.

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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 and design - The proposed extension would come to within approximately 1m of the side boundary at the front and be set back 1m from the front elevation. Terracing would not be an issue and there is a wide paved gap to the side. The proposal would require the removal of one tree within the front garden which is not considered to be a specimen worthy of a preservation order.

The extension would have a pitched roof set just below the main ridge and forming a side gable wall that would become a rear gable where attached to the existing outrigger. The front elevation would appear well balanced and with the new windows aligned and to match those as existing. Materials would be to match the existing house.

The proposal is considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 3 to 6 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide 3 parking spaces. The site has no off street parking as existing and there would appear no scope to create any. The extension proposed is in an area that is not used for parking therefore there would be no loss. The consideration is then if the application for a house extension should be refused with regard to parking. In a terraced area there is often only on street parking and therefore this would restrict the ability to create additional space. Some developments such as loft conversions and hip to gable roof extensions can be carried out as permitted development and without planning permission. A further factor to consider would be the proximity to public transport which at this site is high access to main bus routes. On balance, in this instance at this particular site, it is not considered that there are any justified grounds for refusal.

Residential amenity - The proposed extension would have no windows to the first floor side elevation, the plans have been corrected as they were shown at first floor on the elevations. The proposed side bedroom and bathroom windows would be at ground floor and face on to the site fencing beyond which is a paved area with trees. To the rear the proposed first floor window would face towards the side gable to 2 Britain Street which is located across the back access street and has only a high level obscure window at first floor.

There would then be no serious impact on the amenity of any adjacent neighbouring properties.

In terms of the amenity space for the residents of the property the proposal would see the loss of garden space at the side. There would however remain some space at the side and the yard to the rear. It is not considered that the proposal would reduce outside amenity space to such a level that would give grounds for refusal.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to objections

The application is submitted as a householder extension and is therefore is being assessed as such. The lawful use of the property appears to be a

It is the case that properties within Class C3 and C4 as described within the law as can

have common and similar elements and both have up to 6 people occupying a premises without the need for planning permission. Current permitted development rights provide for interchangeability between the uses without the need for any express consent. The applicant has confirmed that the property is and will remain as a Class C3 dwellinghouse. This is described as:-

C3 Dwellinghouses - This class is formed of three parts

C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child
C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems

C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

One representation says that the property is being used as a HMO which casts some doubt over whether the property would be a C3(c) or a C4. There is therefore ambiguity. This notwithstanding there are commonalities between C3(c) and C4 which in consideration as to whether a property can be extended can be considered regardless of the legally defined use of C3(c) or C4 in this instance. Should the applicant require to set out the legal case to prove the use, then this can be done via s191 of the Town and Country Planning Act 1990.

Bury Council has motioned to accept to introduce an Article 4 but has not yet completed the necessary lawful steps of notifying the Secretary of State nor press advertisement. The intention of the Article 4 is to remove permitted development rights where the interchangeability permits from 4 to 6 people occupying a premises from taking place without express consent. The Article 4 is therefore not about simply refusing or preventing, but would be about assessing more of the changes as they would otherwise have not been able to do. As the Article 4 is not in position, it cannot be considered to have weight in the planning decision at this time.

The property is not a non designated heritage asset.

Anti social behaviour and noise complaints would be dealt with by the relevant authorities where appropriate.

Refuse collection would be as for any domestic property.

Traffic Management Plans are not required for householder developments.

An informative is included to advise the applicant of their responsibilities with regard to bats.

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 PL 001, PL 002, PL 003 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>
JL	12/6/26	DM	12/6/26