

DELEGATED REPORT

Report by Claire Booth	Date of report: 23/07/2026	Ref: 73262/FUL
Registration: 28/05/2026	LDFC: 25/06/2026	Expiry Date: 23/07/2026
Site Visit: 16/07/2026	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Removal of existing conservatory and erection of single storey rear extension with raised patio area with glazed balustrade and steps to garden level

Location: 15 Smethurst Hall Road, Bury, BL9 7TP

Description

This application relates to is a 3-bedroom, semi-detached dormer bungalow dwelling located on the south side of Smethurst Hall Road, a cul-de-sac which is separated from the grounds of Fairfield Hospital. The property forms the eastern end of the semi-detached pair. It appears as a dormer bungalow at the front of the building and is two storeys at the rear.

The property has a driveway and a detached outbuilding to the side and rear of the dwelling. Also to the rear, the property has a small rear conservatory extension and an external raised decked area leading from the ground floor of the dwelling and projects approximately 6.5m from the rear elevation of the property adjacent to the boundary with no. 17 Smethurst Hall road and extends approximately 8.5m beyond the rear of the existing garage located against the boundary with no. 13 Smethurst Hall Road. It contains steps down into the rear garden area within these dimensions. .

Planning permission is sought for the removal of the existing conservatory which currently extends from the rear of the house by 2.1m and has a width of approximately 4.9m, and for the erection of single storey rear flat roof extension and for an extended raised patio area with glazed balustrade and for steps down to garden level.

The proposed single storey rear extension seeks to project from the rear elevation by approximately 3.5m. It would have a width of approximately 4.74m and a height of approximately 3m with a central rooflight that would project above the proposed flat roof.

The raised decked area is proposed to be extend to the end of the existing garage, a distance of approximately 8.75m from the rear of the dwelling. The steps to provide access from the raised deck seek to run along the shared boundary with no. 17.

Relevant Planning History

Adjoining Property

57206: 17 Smethurst Hall Road - Single storey extension at rear (Retrospective) - Approved with Conditions, 02/04/2014.

This extension is 3.5m deep along the shared boundary and is 4m across in total.

Publicity

3 Neighbours bordering the application site on the 03/06/2026.

No representations have been received.

Statutory/Non-Statutory Consultations

Not applicable.

Pre-start Conditions - Not relevant.

Development Plan and Policies

H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
SPD6	Supplementary Planning Document 6: Alterations & Extensions

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

Located to the rear, the proposed extension would not impact on the street scene/ visual amenity.

The walls are to be faced with matching brick with patio doors and windows to the rear elevation and doors to the side facing the garden. The roof is to be flat roofed. The design and materials are considered appropriate.

The proposed extension to the raised decked area would leave a 10m long garden which is satisfactory for this dwelling.

Residential Amenity

The attached property, no. 17, has been extended with a single storey extension that projects 3.5m from the rear of the property. The proposed extension would match the depth of this neighbours extension. Therefore, the current direct overlooking of the neighbours rear elevation from the applicants external raised deck that currently occurs would no longer occur in such close proximity.

The proposed decked area against this neighbours boundary, would result in no worse overlooking than existing. However in recognising the existing decked area does overlook this neighbours property and only a 1m high boundary fence is shown on the plans, the applicants advised me when visiting the site that they want to increase the height of the fencing along this shared boundary, particularly as the external steps leading down in to the rear garden are to be relocated next to this boundary so views into the rear habitable room windows of this property would be clearly viewed. A planning condition is therefore recommended requiring a 2m high fence along the boundary of the raised decked area and steps to safeguard the amenity of existing and future occupiers of no. 17 Smethurst Hall Road.

In terms of the neighbours at no. 13; the occupiers of this property would not be affected by the proposed development as the extension to the raised decked area would not project beyond the existing side/ rear detached garage, which provides privacy to this neighbour and the applicant.

The land at the rear is a garden area of 2 Summit Close, therefore the proposals would not directly overlook the habitable room windows of this property. The proposal is therefore acceptable in this regard.

To conclude, there would be no serious harm on the amenity of any adjacent neighbours. The proposal therefore complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Conclusion

Based on the above and subject to the recommended planning condition relating to the height of the boundary fence on the shared boundary with no. 17 Smethurst Hall Road, it is recommended the proposal be approved.

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

DELEGATED REPORT

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 five years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This permission relates to the following plans:

Drawing ref. Location Plan; and,
Drawing no. 3714-01 - showing Existing & Proposed Site Plan, Floor Plan,
Elevations and Section

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan, Places for Everyone Joint Development Plan and National Planning Policy Framework.

- 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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 4 A fence measuring 1.8 metres or 2 metres high shall be installed on the shared boundary with no. 17 Smethurst Hall Road prior to the relocated steps down into the garden coming in to use.

The boundary fence shall be constructed before the existing raised deck is extended any further and retained as such thereafter.

Reason. In the interests of safeguarding the amenity of nearby residents, in accordance with the requirements of Policies EN1/2: Townscape and Built Design, of the Bury Unitary Development Plan and the National Planning Policy Framework

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	23/07/2026	DM	23/07/2026