

DELEGATED REPORT

Report by Claire Booth	Date of report: 28/04/2026	Ref: 72918/LDCP
Registration: 03/03/2026	LDFC: 02/04/2026	Expiry Date: 28/04/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: NREQ

Proposal: Lawful development for proposed development of a single storey extension, side and rear (The rear extension replacing an existing lean to structure and matches the extension line and roof line of the neighbour; The side extension infills an unused space to the side of the property while maintaining existing building lines; All works will be in materials to match existing)

Location: 49 Bury and Bolton Road, Radcliffe, Manchester, M26 4LF

Description

This Lawful Development Certificate (LDC) application is submitted to establish if the following development is lawful under Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The application site is the western side of a traditional semi-detached property located on the north side of Bury and Bolton Road between Arrowhall Road to the east and a watercourse to the west. These properties appear to have been built with two storey rear outriggers with a small single storey outrigger.

The proposed development is to demolish the single storey outrigger and replace it with a larger single storey extension that would project for a single storey rear extension and for a single storey side and rear extension also at the rear.

The single storey extension proposed to demolish a small single storey building to the rear of the property located on the rear of the two storey outrigger. This seeks to replace this with a larger single storey extension. It would project 2.7m from the rear of the two storey rear extension and would have a width of 2.1m. It would have a mono-pitch roof and would tie into

The rear and side extension proposes to infill an unused space to the side of the rear two storey outrigger. This extension proposed to extend off the original rear wall of the property by approximately 5.5 metres and would run alongside the two storey rear outrigger. It would have a width of approximately 3.2m, an eaves height of approximately 2.7m and a maximum height of approximately 3.8m and a mono-pitch roof.

All works are proposed to be in materials to match existing.

Relevant Planning History

None.

Publicity

Publicity is not required and has not been undertaken. Therefore, no comments have been received.

Statutory/Non-Statutory Consultations

Consultation is not required and has not been undertaken. Therefore, no comments have been received.

Pre-start Conditions - Not applicable.

Development Plan and Policies

As the basis for the assessment of this application is its compliance with the relevant planning legislation rather than an assessment of the planning merits of the scheme, the policies of the development plan are not relevant in this case.

The following legislation and guidance is, instead, of relevance to the assessment of this application:

- Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- Permitted development rights for householders: Technical Guidance (September 2019).

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.

The first consideration is whether the proposed extensions would be development within the curtilage of the dwellinghouse.

The proposed extension seeking to replace a single storey addition attached to the rear two storey original outrigger, seeks to connect to a neighbours single storey rear addition. No details has been submitted clearly showing that all work to connect the proposed rear extension to the neighbours lean-to rear extension would be solely within the curtilage of this dwellinghouse and due to the proposals indicating that the proposed roof of the rear extension would tie into the roof of the neighbours rear single storey addition, on the balance of probability, it cannot be considered, that the proposed extension would wholly be within the curtilage of this dwellinghouse.

In looking at the rest of Part 1, Class A, if the applicant proves that all proposals would be entirely within the curtilage of the dwellinghouse, for the proposal to be classed as permitted development it needs to accord with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Exemptions in Para A.1

		Assessment
A	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use)	N/A
B	as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	More than 50% of the garden curtilage would remain following the development
C	the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse	No
D	the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse	No

E	the enlarged part of the dwellinghouse would extend beyond a wall which: (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	N/A
F	subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwelling, or (ii) exceed 4 metres in height.	The property is semi-detached - the proposed rear/ side extension would project 5.445 metres beyond the original rear elevation of the dwelling which would not accord with this requirement. The height of both proposed rear extensions would not exceed 4.0m.
G	for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	N/A A prior approval application has not been submitted.
H	the enlarged part of the dwellinghouse would have more than a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse	N/A
I	the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres	The rear extension is located on the boundary and would have an eaves height of 2.68 metres (as annotated on plan no. X-001-A1_rev1) and thus accord with this requirement.
J	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have	The rear/ side extension would extend beyond the wall of the two storey rear outrigger. It would not: (i) exceed 4m in height ii) have more than a single

	a width greater than half the width of the original dwellinghouse;	storey, or, (iii) have a width greater than half the width of the original dwellinghouse. The proposal therefore accords with this requirement.
JA	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);	The proposed extension would not adjoin any existing extension within the curtilage of the dwellinghouse and would not exceed the limits in sub paragraphs (e) to (j).
K	it would consist of or include (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	N/A
L	the dwellinghouse is built under Part 20 of the GPDO	N/A
A2	In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles; (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original	N/A

All of the above, leads me to conclude that the proposed development would not be permitted development as it fails to comply with Schedule 2, Part 1, Classes A (f) and A(g) of the GPDO. The proposal is therefore not lawful.

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' in that it fails

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to comply with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 in that the proposed rear single storey extension would not be solely within the curtilage of the dwellinghouse.

- 2 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' in that it fails to comply with Schedule 2, Part 1, Class A (f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as the proposed rear and side single storey extension would exceed the allowance of a 3m rear single storey extension from the original rear wall of the dwellinghouse.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	28/04/2026	DM	28.04.2026