

DELEGATED REPORT

Report by Jane Langan	Date of report: 18/12/2025	Ref: 72549/FUL
Registration: 17/11/2025	LDFC: 15/12/2025	Expiry Date: 12/01/2026
Site Visit: 27/11/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Attached single storey open sided gazebo/garden room canopy structure at side/rear with decking

Location: 6 Booth Close, Tottington, Bury, BL8 3BU

Description

The property is a two storey detached house located towards the top of a cul de sac on a residential estate. It has a drive to the front and detached garage which is extended at the side. To the rear it has a single storey extension and decking and a raised lawn. The neighbouring property to the side of the proposal is 12 Royds Close which is separated by fencing. Beyond the side boundary to the garden to No.12 are a number of trees. Records note one Sycamore to be subject to TPO 180.

The application proposes a single storey open sided covered area extending to the side of the conservatory comprising of timber posts and a tiled roof. It would be 3.2m deep extending the width of the property and then angled along the side a further 3m out at the widest point.

Relevant Planning History

60117 - Single storey extension to detached garage - AC 14/06/2016

Publicity

Surrounding neighbours were notified by letter and no responses have been received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
EN8/2	Woodland and Tree Planting
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 PpE 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 canopy would not be visible from the main street view. It would extend out from the extension and provide a covered area to the existing decked area. The design and materials are considered acceptable and in keeping with the existing property and would not have a detrimental impact on the visual amenity of the area.

There is a protected sycamore tree to the side boundary at 12 Royds Close (TPO 180). Whilst it is not within the site, the proposal would come close to the boundary and include timber posts concreting into the ground. It is therefore considered a condition for tree protection measures should be attached. The agent has been advised.

Parking - The proposal would not affect the existing parking arrangements at the front.

Residential amenity - The proposal would create a covered area above the existing patio

and decked area. The closest neighbouring property is 12 Royds Close. The property itself is located a good distance away to the south east of the site and has a lengthy garden. The area that borders the site has fencing separating however it does not screen the gardens. The proposal would not cause any further overlooking than the patio as existing. As such there would be no serious impact on the amenity of this adjacent neighbouring property.

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

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, 3, 4, 5 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 The Sycamore tree to the boundary to 12 Royds Close is protected by Tree Preservation Order 180 and 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 a tree which is of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	18/12/25	DM	19/12/25