

DELEGATED REPORT

Report by Claire Booth	Date of report: 31/07/2026	Ref: 73290/FUL
Registration: 04/06/2026	LDfC: 01/07/2026	Expiry Date: 30/07/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Variation of condition no. 2 (approved plans) following grant of planning permission 70511 (Single storey rear/side extension for use as changing room and shower area): Extend part of the approved rear elevation so that part of the rear wall aligns with the extent of the approved laundry/outrigger element to create a staggered rear elevation

Location: Mikvah, 102-104 Albert Avenue, Prestwich, Manchester, M25 0LU

Description

The application site relates to a pair of semi detached former residential properties which have been knocked through to create one building, used as a Mikvar/ communal ritual baths, on Albert Avenue, Prestwich.

Following approval of planning application 70511 which granted planning permission for a single storey rear/side extension for use as changing room and shower area in April 2024.

The application seeks to vary Condition 2 (approved plans) of planning application 70511 pursuant to Section 73 of the Town and Country Planning Act 1990. The proposed amendments seek to increase the size of part of the approved single storey rear extension so it would match the projection of an approved laundry room projection, which, projects 10.57 metres from the rear elevation of the property and approximately 2.88m be approved 7.7m rear extension. The proposed extension, as amended, would have a staggered rear elevation.

The amended proposal would still appear to be a single-storey rear/side extension serving the same use. The proposed changes do not appear to alter the operative description of development, nor do they change the nature of what has been approved. Rather, they change the detailed form and footprint of the extension through revised plans. Section 73 can be used to substitute approved drawings where the description remains intact.

Relevant Planning History

70345 - Non-material amendment following grant of planning permission 69174 for single storey rear extension: To amend the extent of the rear extension and to include a side extension - Withdrawn - Invalid 29/02/2024

70511 - Single storey rear/side extension for use as changing room and shower area - Approve with Conditions 17/04/2024

69174 - Single storey rear extension - Approve with Conditions 01/02/2023

Publicity

5 neighbours were notified on the 09 June 2026.

No representations have been received.

Statutory/Non-Statutory Consultations

Not applicable

Pre-start Conditions - Not applicable.

Development Plan and Policies

EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
EN1/2	Townscape and Built Design
JP-P1	Sustainable Places
JP-P3	Cultural Facilities
JP-C8	Transport Requirements of New Development
NPPF	National Planning Policy Framework

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.

Assessment

Having regard to the scope of considerations and background referred to above, the nature of the proposed changes to the extant permission, the main issues in this case are:

1. The modified development's effects on the character and appearance of the area.
2. The modified development's effects on the amenity of surrounding occupiers.
3. The changes required to the conditions imposed on planning permission 70511 because of the details submitted with this application.

Design and Visual Amenity

UDP Policy CF1/1 requires, amongst other things, consideration be given on the impact of proposals on the locality and that the scale and size of the development. Policy EN1/2 concerns itself with townscape and built design, the appearance of proposed developments, and their relationship to their surroundings and upon visual amenity.

The application site was formally a pair of semi-detached dwelling which each had their own rear garden. The two garden areas are now one large space. The application site backs on to a woodland located at the rear, on land to the rear of Albert Avenue and Cavendish Avenue. There are no formal Public Rights of Way through this woodland and therefore there would be no public views of the site from this land.

The proposed extension would be single storey in height and would extend from both the side and rear elevation of the property and would be approximately 7 metres from the rear boundary.

The open plot of land abutting the western boundary of the site, contains a number of trees which prevent clear open views of the gable of the property. Therefore, whilst the proposed extension would extend beyond the rear elevation of the existing building by approximately 10.5m at its furthest, only partial views of the proposed rear extension would therefore be visible from Albert Avenue, primarily when travelling towards Albert Avenue from Harrogate Avenue, and therefore, the impact on the visual amenity of the street scene would not be significant. The proposal therefore accords with the criterion c) of UDP Policy CF1/1.

Residential Amenity

Policy CF1/2 requires, under criterion a.) that the impact on residential amenity be considered.

To the East of the application site 100 Albert Avenue, a semi-detached dwelling, exists. This has habitable room windows on its rear elevation. Due to the extension not projecting beyond the existing side of the property, it being single storey and flat roofed and due to the rear of the property facing south and bordering a woodland at the rear which already blocks a lot of sunlight from the rear of the properties, the proposed extension would not result in a significant loss of sunlight. Whilst it is recognised that in the winter months the length of the proposed extension occupiers of this property would result in the loss of some morning sunlight, it would not cause demonstrable harm to the amenity of these occupants as any loss of sunlight to these residents would not be so significant to justify refusal of the application on this ground.

In terms of whether the proposal would result in overbearing and oppressive conditions, during the course of this application, officers have sought an amendment to the proposals

to move a portion of the proposed extension away from this shared boundary due to the undue sense of enclosure the occupiers of this property would have experienced. The amended proposed enlarged part of the approved rear extension would therefore be set away from the shared boundary by approximately 7m from the shared boundary and 8.5m from the house. This would ensure that the occupiers of this neighbouring property do not feel overly enclosed. According the, the proposal would not cause harm to the amenity of the occupiers of this property.

Turning to the other neighbour, 110 Albert Avenue, as a plot of vacant land borders the western boundary of the site, the proposed extension would not change on this boundary from what has been approved. The proposal would be at least 18m away from the boundary of 110 Albert Avenue. The proposed extension would therefore not harm the amount of sunlight or daylight currently received by these occupiers or cause any overbearing or oppressive conditions to this neighbour.

In terms of loss of privacy, only high level windows are proposed in the side elevations of the proposed extension, no overlooking of this neighbours habitable room would occur. The proposed extension would therefore not harm the amenity of the occupiers of 110 Albert Avenue.

The application site backs on to a woodland located at the rear of Albert Avenue, which separates the rear garden areas of properties on Albert Avenue from the rear garden areas of properties on Cavendish Road. There would thus be no loss of amenity to any of the residents on Cavendish Road resulting from the proposed extension.

Modifications to the Conditions

Application 70511 was approved with 4 planning conditions. The only planning condition that should be changed is condition 2 (approved plans).

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 the expiration of three years from the date of planning permission 70511, therefore by no later than the 17 April 2027.

Reason To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that the date of expiry of this permission is consistent with the original planning permission..

- 2 This permission relates to the following plans (received on 30 July 2026):

Drawing. No. 001.Rev. 4: Site Location and Block Plan;
Drawing. No. 301. Rev. 3: Existing and Proposed Site Plan; and,
Drawing. No. 003. Rev. 13: Proposed GA Plans and Elevations.

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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 and the 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 and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	31/07/2026	DM	31/07/2026