

DELEGATED REPORT

Report by Amanda

Date of report: 08/12/2025

Ref:72406/FUL

Uhunmwagho

Registration: 03/11/2025

LDfC: 25/11/2025

Expiry Date: 29/12/2025

Site Visit: 05/12/2025

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Replacement single storey rear extension

Location: 36 Nuttall Street, Pimhole, Bury, BL9 7EW

Description

The application relates to a two storey, mid-terrace house with a small front garden and a rear yard. There is no on site parking at this site. At the rear there is an existing single storey extension currently used as a utility room and outside store.

The proposal is to replace the existing single storey extension with a new single storey extension covering a similar footprint as the existing one but the new one would be slightly taller. It would provide a new ground floor wc, and access to the rear yard.

The extension would measure 1720mm x 3375mm and it would measure 3070mm high. The roof would be pitched down from the east side where the extension would be built on top of the existing shared boundary wall with no.36 Nuttall Street.

Relevant Planning History

N/A

Publicity

5 neighbours notified on 03/11/2025 - No comments or objections received.

Notice served on neighbour at no.36 Nuttall Street on 03/11/2025 and certificate B signed and submitted.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

H2/3 Extensions and Alterations

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed extension would be built on the rear of the property, replacing an existing extension in a similar position. There are many rear extensions to properties in the local vicinity. The proposed extension would be built with materials and a design that would be considered to be in keeping with the existing property and in comparison to some extensions in the local area it would be a relatively small addition to the property.

The extension would be around 350mm higher than the existing one and it would be brought closer to the rear of no.36 next door given that it would be built over the whole of the boundary wall. However, as the extension wouldn't project any further along the boundary than the existing one does it would not be considered to be any more visually overbearing than the existing one might be when viewed from the rear of no.36 Nuttall Street next door. The design of the proposal is considered acceptable in this location.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

Residential Amenity -

- As the extension would be built wholly on the rear of the dwelling it would not be visible in the streetscape along Nuttall Street at the front.
- The separation distance between the extension and properties at the rear would be more than acceptable in terms of SPD 6 and the existing boundary wall would screen most of the extension from views, from the rear.
- There would be a door and a small wc window in the west side elevation which would look onto the existing boundary only and the extension would be built well away from the shared boundary with no.34 next door. As such it is considered that there would not be any significant detrimental impact on privacy levels and encroachment at this property.
- The extension would be built across the whole width of the shared boundary wall with no.36 next door. As the applicant has served notice on this neighbour and certificate B has been submitted they have satisfied the requirements of the planning applications and any future boundary disputes would be considered to be a civil matter. It is noted the neighbour at no.36 Nuttall Street has not objected to the proposal. As such the location of the extension would be considered acceptable.
- The projection of just over 3375mm along the shared boundary would be acceptable in terms of the Larger Homes Scheme given that the relevant neighbour has not objected to the proposal.
- The proposed extension would be around 350mm higher than the existing one, on the shared boundary with no.36. it is considered that although this additional height may have slightly more of an impact on light to the rear of no.36 in the latter part of the day, it would not be significant enough to warrant refusal of the proposal.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the highway in front of the dwelling.

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 2505-01, 2505-02, 2505-10 and 2505-110 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 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 H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 08/12/2025		DM - 17/12/25	