

DELEGATED REPORT

Report by Tom Beirne	Date of report: 04/09/2025	Ref: 72199/FUL
Registration: 21/07/2025	LDfC: 01/09/2025	Expiry Date: 15/09/2025
Site Visit: 02/09/2025	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: First floor front extension and external alterations

Location: 31 Rudgwick Drive, Bury, BL8 1YA

Description

The application relates to a two storey detached dwellinghouse on a corner plot on a residential road of similar styled properties. At the front of the property there is a driveway and garden. At the south side there is bin storage with access to the rear garden.

Across Rudgwick Drive to is No.56 which directly faces the applicant property. To the North is No.33 with No.29 to the south.

It is proposed to add a first floor gable fronted extension to the front of the house on the left hand/south side. It would project out 3m over a 6.6m wide section of the existing single storey outrigger on the front and allow for an extended master bedroom. The extension would be finished in a render and the existing brick finish on the ground floor on the other side of the front elevation would be replaced with a grey slate brick.

Relevant Planning History

43069 - Two storey extension at side; single storey extension at rear - Approve with Conditions 15/09/2004

53403 - Single storey extension at rear - Approve with Conditions 26/01/2011

64961 - Proposed first floor front extension - Approve with Conditions 15/01/2020

Publicity

Immediate neighbours notified by letter dated 08/08/2025. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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 - UDP Policy H2/3 and SPD 6 are relevant here and seek to achieve a high standard of design. This is to make sure the development compliments the original building, and does not have a negative impact on the appearance of the host building, neighbouring properties and the general street scene.

The proposed development would take place at the front of the property and so would be visible from the street. The design and scale of the extension would be in keeping with the existing house and would not be incongruous within the streetscape.

Whilst proposed white render on the extension and the replacement brick on the ground floor front would differ from the finish of the other houses on the road, this is not so serious an issue to warrant refusal of planning permission. The materials used are acceptable in keeping with the character of the building. The proposed development would not impact the car parking provisions on site which meets the requirements of SPD 6.

Residential Amenity - UDP H2/3 and SPD 6 seeks to reduce the impact of developments on the residential amenity of neighbouring properties. The proposed development would be 19 metres and across a highway from No.56 which is deemed acceptable in terms of overlooking and so would not have any significant impact on the privacy of the dwelling.

The proposed development would be 14 metres and across a highway from No.29. the proposed development would also not project past a 45 degree angle from the property as such there would be no significant impact on the privacy or access to light of this neighbour. The Proposed development would also not project past a 45 degree line from the neighbour at No.33.

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 TDS-25-196-01, 02, 03, 04 and 05 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	04/09/2025	DM -	11/09/2025