

DELEGATED REPORT

Report by Claire Booth	Date of report: 22/05/2026	Ref: 73039/LDCP
Registration: 30/03/2026	LDfC:	Expiry Date: 25/05/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful Development Certificate for proposed single storey rear extension

Location: 45 Highfield Road, Prestwich, Manchester, M25 3AQ

Description

This Lawful Development Certificate (LDC) application is submitted to establish if the erection of a 3m deep and wide rear single storey extension is lawful under Part 1, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The extension, as amended, is shown project 3m from the original rear elevation of the dwelling, to be flat roofed, 3m wide and 3m high. The submitted drawings show the proposal would be built in materials to match the host dwelling.

The dwelling to which this Certificate relates is in the southern end of a terraced row of 3 properties located on Highfield Road, Prestwich.

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 - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

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.

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).

DELEGATED REPORT

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 3 metres beyond the original rear elevation of the dwelling which would accord with (i) requirement. The height of the proposed extensions would not exceed 3.0m and would therefore accord with (ii).
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 as 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 proposed to be located approximately 1m from the boundaries of both neighbouring properties. The proposal would have an eaves height of 2.7m 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 a width greater than half the width of the original dwellinghouse;	N/A
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	N/A

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

All of the above, leads me to conclude that the proposed development would be permitted development as it complies with the limitations set out in Schedule 2, Part 1, Class A. The proposal is therefore lawful.

Recommendation: LAWFUL

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 deemed to be 'Permitted Development' in that it complies 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 project no more than 3m from the original rear wall of the dwellinghouse, as set out in the second schedule.
- 2 The materials used in any exterior work shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse as required by condition A.3(a) of Article 3, Schedule 2, Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) (as amended) Order 2015.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	22/05/2026	DM	22.05.2026