

**DELEGATED REPORT**

|                                  |                                   |                                |
|----------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Jennie Townsend | <b>Date of report:</b> 17/06/2026 | <b>Ref:</b> 73047/FUL          |
| <b>Registration:</b> 30/04/2026  | <b>LDFC:</b> 23/05/2026           | <b>Expiry Date:</b> 25/06/2026 |
| <b>Site Visit:</b> 19/05/2026    | <b>Site Notice:</b> 19/05/2026    | <b>Press Date:</b> 07/05/2026  |
| <b>Objections:</b> 0             | <b>Con Area:</b> N/A              | <b>Adv Type:</b> ARW           |
| <b>Reason for Delay:</b><br>N/A  |                                   | <b>EIA:</b> NA                 |
|                                  |                                   | <b>Dec Level:</b> DEL          |
|                                  |                                   | <b>Stat Class:</b> MIOT        |

**Proposal:** Variation of condition no 2 (Approved Plans) on planning permission 68067 (Erection of 1 No. Dwelling): to raise the roof ridge height and change of boundary position

**Location:** Owlerbarrow House, Owlerbarrow Road, Bury, BL8 1RD

**Description**

The application relates to an area of existing garden associated with Owlerbarrow House. The site is located within an established residential state. The nearest properties are Clovelly to the south which is a residential care home and No. 5 Owlerbarrow Road directly to the east. Bridleway 146BUR is located along the west boundary.

Planning permission was granted in 2022 (ref 68067) for a single storey dwelling in the garden of Owlerbarrow House which would be accessed from the bridleway. The dwelling was located in the lower garden area of Owlerbarrow House and next to the boundary with Clovelly to the south.

The dwelling would be 12.6m x 7.4m and 3.8m high.  
Two parking spaces would be provided and garden to the front and rear.  
Internally accommodation comprised living areas and 2 bedrooms.

The development has been commenced and the dwelling is under construction.

This application seeks to increase the roof height to incorporate a dormer and regularise the distance of the northern boundary wall from the proposed dwelling.

The roof height would be increased from the approved 3.8m to 5.5m (an increase of 1.7m). The applicant states the proposed dormer would provide an office space and storage and improve light to the dwelling. There would be 2 windows positioned within the southern facade of the proposed dormer. The roof would be constructed of natural slate and the dormer proposed to be vertical timber cladding.

In terms of the amendment to the northern boundary of the site, the position of the approved dwelling within the plot has not changed but the original plans showed there to be a distance of 7.2 m from the front elevation of the new dwelling to the boundary with Owlerbarrow House. This should have been originally proposed as 5.6m. The distance from the proposed dwelling to the boundary has been corrected on the revised drawings and proposed as an amendment to the original application.

The application has been submitted as a variation of condition to the approved plans.

**Relevant Planning History**

58580 - Single storey extension at rear; first floor Juliette balcony at rear - Approve with Conditions 22/05/2015

59786 - Ground and first floor extensions to front and rear and replacement of flat roof to

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pitched roof - Approve with Conditions 18/03/2016

68067 - Erection of 1 no.dwelling - Approve with Conditions 15/12/2022

72501 - Application to discharge conditions on planning permission 68067:

Condition 3 (Details of samples to be used in external elevations) Condition 4 (Completed Construction Traffic Management Plan) Condition 6 (Contaminated Land Preliminary Risk Assessment Report) Condition 9 (Biodiversity Mitigation Plan) Condition 10 (Surface Water Drainage Proposals) - Approve 20/03/2026

### **Publicity**

Letters sent to 6 properties on 1/5/26.

Site notice posted 19/5/26

Press advert 7/5/26

No responses received

### **Statutory/Non-Statutory Consultations**

n/a

### **Pre-start Conditions - Not relevant**

### **Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| EN1/2 | Townscape and Built Design                                  |
| EN6/3 | Features of Ecological Value                                |
| EN7/3 | Water Pollution                                             |
| EN7/5 | Waste Water Management                                      |
| H2/1  | The Form of New Residential Development                     |
| H2/2  | The Layout of New Residential Development                   |
| H2/6  | Garden and Backland Development                             |
| HT2/4 | Car Parking and New Development                             |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| SPD11 | Parking Standards in Bury                                   |
| JP-C2 | Digital Connectivity                                        |
| JP-C5 | Streets For All                                             |
| JP-C8 | Transport Requirements of New Development                   |
| JP-H3 | Type, Size and Design of New Housing                        |
| JP-S2 | Carbon and Energy                                           |
| JP-S4 | Flood Risk and the Water Environment                        |
| 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.

### **Layout and impact on residential amenity**

#### **Site boundary**

The original application showed the distance from the new dwelling to the northern boundary as measuring 7.2m. Following commencement of development, it was found that the distance from the dwelling would in fact be 5.6m.

Whilst there would be windows in the north elevation of the new dwelling, there would be a 1.8m high boundary fence to the garden with Owlerbarrow House and as such it is considered that privacy would be maintained to both properties. There would be a distance of 26m from the boundary fence to the rear elevation of Owlerbarrow House which would satisfy separation distances.

In terms of amenity space for the new dwelling, there would be a garden to the north and south of the dwelling and as such this is considered sufficient to serve the 2 bed bungalow.

The proposed amendment is therefore considered acceptable and would comply with H2/1, H2/2 and SPD6.

#### **Proposed dormer**

The proposed dormer would be located within the roof plane on the southern elevation of the bungalow which would face the neighbouring property Clovelley. This property has a garage which has been built up at the first floor and some living accommodation beyond with habitable room windows at the ground and first floor which would face the site and the proposed dormer.

There would be windows in the south elevation of the dormer facing Clovelley.

The southern boundary is set at an angle and although part of the new dwelling would be less than 7m from the boundary, the majority of the windows in the proposed dormer would be positioned forward of the habitable room windows to Clovelley, and at an oblique angle. The proposed dormer windows would also be to a study which is considered a non-habitable room where lesser weight is given to impacts of privacy and overlooking to neighbours.

Given the size of the dormer which would not project significantly any further forward of the main bungalow and increase in height of 1.7m it is considered the proposal would not have an significantly overbearing relationship to Clovelley.

There have been no representations made to the amended plans.

The proposed development is therefore considered to be acceptable and comply with policies H2/1, EN1/2 and SPD6.

### **Design and visual amenity**

The proposed dormer would be located on the southern elevation and set back from the front elevation by approximately 4.2m. The proposed dormer would not project above the new ridge line and would not be significantly large to dominate the existing property. Whilst partly visible from the public footpath, given the size and position within the property, it is considered there would not be a significant impact on the visual amenity of the streetscape.

The proposed development is therefore considered acceptable and would comply with policies EN1/2, H2/1 and EN1/2.

### **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 This decision relates to drawings -

Proposed external materials and parking plan TDS-25-196-04 A  
Proposed new dwelling TDS-25-196-01 A  
Revised location plan received 22/8/26

Preliminary Risk Assessment, Worms Eye, reference Owlerbarrow Road / BL8 1RD / 2025, dated 15 September 2025.  
Proposed Scheduling for Investigation, Worms Eye, reference Owlerbarrow Road / BL8 1RD / 2025, dated 11 December 2025  
Construction Traffic Management Plan report dated 17th October 2025, Dilapidation Report dated 19th October 2025  
Biodiversity Mitigation Enhancement Plan, report dated 1st October 2025

Sustainable Drainage Assessment ref EF000203R3 FINAL by GeoSmart dated 11/3/26

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.

- 2 The development hereby approved shall be carried out in accordance with the materials report dated 20th October 2026 submitted for the application for the discharge of conditions ref 72501 (condition 3 on planning ref 68067)  
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.
- 3 The development hereby approved shall be carried out in accordance with the Construction Traffic Management Plan report dated 17th October 2025 and dilapidation report dated 19th October 2025 submitted for the application for the discharge of conditions ref 72501 (condition 4 on planning ref 68067). The approved details shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period.  
Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Policies EN1/2 - Townscape and Built Design and JP-C8.
- 4 The proposed access, parking and bin storage arrangements indicated on the approved plans, incorporating the provision of a hardstanding in a permeable/porous material or incorporating other measures to prevent the discharge of surface water onto the adjacent Public Right of Way to the dimensions shown in order to accommodate two vehicles within the curtilage of the site, 0.6m high splayed boundary wall and splayed fenceline to provide adequate levels of visibility at the junction with Public Right of Way No. 146, Bury, and all associated highway remedial works required as a result of the construction of the proposed development and statutory undertakers/drainage connections to the new dwelling, shall be implemented prior to the dwelling hereby approved being first occupied and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 5 The development hereby approved shall be carried out in accordance with the information submitted for the application for the discharge of conditions ref 72501 (condition 6 on planning ref 68067)  
Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).
- 6 Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to

and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 7 No works to trees or shrubs shall occur between the 1<sup>st</sup> March and 31<sup>st</sup> August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 8 The development hereby approved shall be carried out in accordance with the information submitted for the application for the discharge of conditions ref 72501 (condition 9 on planning ref 68067) for a biodiversity mitigation plan for loss of trees, hedge and associated bird nesting and other wildlife habitats.  
Reason. To mitigate the impact of the loss of habitat for nesting birds and other wildlife and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and Chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 9 The development hereby approved shall be carried out in accordance with the information submitted for the application for the discharge of conditions ref 72501 (condition 10 on planning ref 68067) for surface water drainage proposals. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.  
Reason. To promote sustainable development and reduce flood risk pursuant to Policies EN7/3 - Water Pollution, EN7/5 - Waste Water Management, JP-S4 and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
- 10 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.  
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

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| <u>Case Officer</u><br>JT 17/6/26 | <u>Date</u> | <u>Sign off Officer</u><br>DM 16.07.26 | <u>Date</u> |
|-----------------------------------|-------------|----------------------------------------|-------------|