

Appeal Statement: Proposed First-Floor Rear Extension at 28 Alnwick Drive, Bury, BL9 8BZ**Site Address:** 28 Alnwick Drive, Bury, BL9 8BZ**Planning Ref:** 71792/FUL**Proposal:** First-floor rear extension; installation of 1 no. obscure-glazed first-floor window to each side elevation**Date:** 04th August 2025**Rev:** A**Applicant:** Mr Hatel Patel**Agent:** Meads Architecture

1. Introduction

This statement is submitted in support of an appeal against the refusal of planning permission by Bury Metropolitan Borough Council for a modest and policy-compliant first-floor rear extension at 28 Alnwick Drive, Bury.

The proposal seeks to extend the existing ground-floor rear projection upwards by one storey to create much-needed additional living space for a growing family with future care responsibilities. The works include the installation of obscure-glazed windows for ancillary spaces to the side elevations. The proposal is domestic in scale, well-designed, and sensitive to neighbouring properties.

While the Council acknowledges that the scheme satisfies the 45-degree rule (as per SPD6 – Alterations & Extensions), raises no design concerns, and that privacy impacts can be addressed via condition, the application was refused solely on the basis of perceived overbearing impacts to the adjoining neighbour at No. 26. As set out in detail below, this assessment is both inconsistent with the Council's own adopted planning guidance and its own recent decisions on near-identical proposals in the immediate vicinity. On that basis, we respectfully request that this appeal be allowed and planning permission granted.

2. The Site and Proposal

No. 28 Alnwick Drive is a two-storey detached dwelling located in a residential area of Hollins, Bury. It benefits from a generous plot size and already includes a modest single-storey rear extension. The property is bounded on either side by similarly scaled residential properties: No. 26 and No. 30.

The application sought permission to construct a first-floor extension above the existing single-storey rear projection. The proposed extension projects approximately 3.6 metres from the

original rear wall and retains the existing building line, matching eaves and ridge height. The extension would be constructed in matching materials and feature a roof form consistent with the existing dwelling.

To protect privacy, the only windows proposed on the side elevations are to be obscure-glazed bathroom windows. These were proposed to be fixed shut below 1.7m in height and fully compliant with the Council's adopted design guidance and national permitted development standards.

3. Planning Policy Context

The proposal has been assessed against the following relevant policies and guidance:

- **Saved Policy H2/3 (Extensions and Alterations) of the Bury Unitary Development Plan**

This policy supports domestic extensions provided that they are in scale and character with the existing dwelling and do not result in an unacceptable impact on the amenity of neighbouring properties.

- **SPD6 (Alterations and Extensions to Residential Properties)**

This adopted Supplementary Planning Document sets out the detailed design principles for residential extensions, including the use of the 45-degree rule to assess the impacts of massing and overshadowing on neighbouring windows. The SPD confirms that where the 45-degree rule is satisfied, the impact on daylight, sunlight and outlook is typically considered acceptable.

- **The National Planning Policy Framework (NPPF)**

Paragraph 134 of the NPPF directs that development that is "well-designed" should be approved, especially where it accords with local design guidance. Paragraph 130 seeks to ensure that developments are sympathetic to local character while also creating places with a high standard of amenity for existing and future users.

4. The Council's Reason for Refusal

The application was refused by delegated decision on the 22 May 2025 for the following reason:

"The proposed development, by reason of its projection, height, position and proximity to the boundary with No.26 Alnwick Drive, would have an unacceptable overbearing impact and result in a significant loss of outlook and overshadowing to the detriment of the residential amenities of this neighbouring occupier."

(Refusal Notice, 71792/FUL)

However, the Delegated Officer's Report makes several concessions which are directly relevant to the appeal:

- The proposed extension satisfies the 45-degree rule, which is the Council's primary tool for assessing impact on light and outlook under SPD6.
- The scheme would be constructed in matching materials and roof form, raising no design objections.
- Overlooking is prevented through the use of obscure-glazed windows with high level opening section min 1700mm above floor level to side elevations.
- The proposed development is subservient in form, set wholly to the rear, and in keeping with the existing dwelling.

Despite these clear acknowledgements of policy compliance, the Council relied on generalised concerns around "overbearing" to justify refusal. This is inconsistent with their own adopted guidance and fails to acknowledge the specific site context.

5. Overbearing, Outlook and the 45-Degree Rule

The 45-degree rule is central to SPD6's method of assessing whether an extension is likely to harm neighbouring properties in terms of outlook and daylight. It is explicitly described as a benchmark for acceptability. The Officer confirms that the proposal complies with this rule when applied from the habitable rear-facing windows of No. 26.

It is therefore contradictory to suggest that the proposal would give rise to "significant overshadowing" or a material loss of outlook, particularly given the acknowledged compliance with the Council's adopted 45-degree rule. The proposed extension projects only 3.6m and is located to the rear, above an existing footprint and is comparable in scale and layout to other approved developments on Alnwick Drive.

Moreover, the subject and neighbouring dwellings gardens and habitable windows are North-facing, meaning that they do not benefit from direct sunlight to the rear elevations. Any change to light levels would be to diffuse daylight only, and not to the direct sun path. The suggestion that the proposal would materially reduce daylight in this context is both unsubstantiated and exaggerated.

6. Privacy Concerns and Side Windows

Concerns were raised during the neighbour consultation about the potential for overlooking from the proposed side elevation windows. These objections are not substantiated when viewed against planning policy.

The proposal only includes side windows to non-habitable rooms, and these are to be obscure-glazed to Level 4 and fixed shut below 1.7m in height. These measures align with both SPD6 and the General Permitted Development Order, which permits similar windows without express planning permission provided these standards are met.

The Officer accepts in the delegated report that this approach mitigates any perceived overlooking. Privacy impacts, therefore, have been entirely and adequately resolved and do not constitute a reasonable basis for refusal.

7. Relevant Planning Precedent

There is a well-established precedent on Alnwick Drive and nearby properties for similar two-storey and first-floor rear extensions, approved under the same policy framework.

Most notably:

- **20 Alnwick Drive (Planning Ref: 71781)** – A near-identical first-floor rear extension was approved by Bury Council on 22 May 2025. The extension projected approximately 3.7m at first floor and was considered modest in scale, with no unacceptable impacts on neighbours. The Officer concluded that “the proposal would not raise any serious issues in terms of residential amenity” and was fully compliant with UDP Policy H2/3 and SPD6. This is a directly comparable proposal under the same policy framework and in the same street. Refusal at No. 28 is plainly inconsistent with this decision.
- **12 Alnwick Drive (Ref: 04/42496)** – First-floor rear extension approved.
- **30 Alnwick Drive (Ref: 03/41424)** – Two-storey rear extension approved.

These decisions clearly establish that rear extensions of the scale and form now proposed are acceptable in principle and in practice along Alnwick Drive. To refuse the current proposal while having approved these similar applications undermines the principle of consistency in decision-making.

8. Permitted Development Fallback

The appellant could, as a fallback, demolish the existing rear extension and construct a two-storey rear extension of up to 3.0m under Class A of the General Permitted Development Order 2015. Such a development would not require express planning consent, provided it met key limitations (e.g. not within 2m of a boundary if over 3m high; 7m to rear boundary; matching materials).

The difference between the fallback and the current proposal is marginal, a 0.6m increase in projection to the rear. The material impact would be minor in built form. This is a strong fallback position which further reinforces the reasonableness of granting the current proposal.

9. Personal Circumstances

While the planning merits of this scheme stand on their own, the appellant's personal circumstances provide further material weight. The family have a sibling with complex care needs and elderly parents who are expected to require supported accommodation in the near future. The family are planning ahead to accommodate the care needs of their sibling by adapting their home sensitively.

The family also work from home, like many modern households, and require additional living space away from sleeping areas. With limited potential to extend at the sides due to boundary constraints, the rear extension is the only viable option. Refusing this application would force a local family, whose children attend nearby nurseries and are embedded in the community, to uproot in search of a home that can accommodate their evolving needs. The proposal enables the household to remain in place, consistent with the aims of the NPPF to promote mixed, inclusive and sustainable communities.

10. Conclusion

The proposal is modest, policy-compliant, and appropriate in its context. The refusal reason is not supported by the Council's own planning guidance and is at odds with their recent approval of a comparable extension at 20 Alnwick Drive. The proposal satisfies all technical standards for massing and daylight and ensures privacy through the use of obscure glazing.

The application complies fully with the relevant policies of the Bury Unitary Development Plan, SPD6, and the NPPF. The refusal lacks robust evidence and introduces inconsistency in decision-making, contrary to the principles of good planning. The Planning Inspector is respectfully invited to allow this appeal and grant planning permission, subject to standard conditions.

References

- Delegated Report (71792/FUL) – 28 Alnwick Drive: acceptance of design, privacy by condition, and 45-degree compliance; refusal on overbearing alone.
- Delegated Report (71781/FUL) – 20 Alnwick Drive: approval for a first-floor rear extension of c. 3.7 m under H2/3 and SPD6.
- SPD6 – Alterations & Extensions (Jan 2020) – including Appendix 1: The 45° Rule.
- Householder Permitted Development Technical Guidance – Class A limits for two-storey rear extensions and side-window conditions.
- NPPF – Achieving well-designed places – securing a high standard of amenity.