

DELEGATED REPORT

Report by Helen Pressley	Date of report: 30/09/2026	Ref: 73465/FUL
Registration: 27/07/2026	LDfC: 18/09/2026	Expiry Date: 21/09/2026
Site Visit: 30/07/2026	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Demolition of existing car port; Single storey side extension; Roof terrace

Location: 5 Rowany Close, Prestwich, Manchester, M25 9XD

Description

The application relates to a detached bungalow located off Rowany Close. The premise has an existing single storey car port to the side, and dormer to the rear. A paved parking area is located to the front of the site, with private amenity space located to the rear.

Planning permission is sought for the removal of the existing car port and for the construction of a single storey side extension that projects approximately 4060mm to the side of the existing dwelling. A terrace is also proposed on top of the proposed extension, with a 1.1metre glazed balustrade proposed.

The drawings also indicate amendments to the rear dormer windows, the rear ground floor windows and render to the entire dwelling that are not included within the description of development.

Relevant Planning History

None

Publicity

Letters sent to neighbouring properties 28/07/2026

1 objection received in relation to loss of privacy.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Development Plan and Policies

H2/3	Extensions and Alterations
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

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.

No objections are raised to the removal of the existing car port.

The proposed extension, and associated roof terrace would be located to the side of the property and would not overwhelm the dwelling or result in overdevelopment of the associated residential amenity space. The proposed rear glazing would be appropriately aligned. The use of render for the extension, and the existing dwelling is considered to be acceptable and would reflect the materials utilised on other dwellings within the streetscene.

It is considered that the proposal would not have a detrimental impact on the character of

the building or the streetscene in terms of visual amenity and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

SPD 6 confirms that extensions should maintain adequate privacy standards by minimising overlooking into adjacent neighbouring properties from new windows, balconies and areas of raised decking. A distance of 7 metres would be required between the proposed roof terrace and any directly facing boundaries in order to maintain this privacy. The proposed terrace would be located approximately 2 metres from the shared boundary with no. 93 Hillton Lane. This would not comply with aspect standards and the applicant should not be relying on views over land outside of their control. Appeal reference Appeal Ref: APP/T4210/D/24/3337341 has previously established that view over land not controlled by the applicant should not be relied upon, and that this can have a harmful effect on users of neighbouring land.

By its nature, a balcony is intended to facilitate informal outdoor use when the weather permits. The close proximity of a raised outdoor space is considered to be uneighbourly and unduly intrusive in terms of likely noise and disturbance and would significantly reduce the privacy of the neighbouring dwelling's garden which the aspect standards set out above seek to protect.

Whilst acknowledged that there is some planting along the boundary, it is considered this would not be adequate in terms of screening to overcome the harm identified.

The proposed rear elevation of the balcony would be located approximately 4.8m from the directly facing rear boundary. There is presently a track that runs along this rear boundary and a distance of approximately 8.5 metres can be maintained between the proposed balcony and the golf course at the rear. This would comply with aspect standards. A distance of approximately 10.3 metres can be provided between the front elevation of the proposed balcony and the directly facing boundary.

As the proposal would be single storey in nature it is considered that it would not have an overbearing impact on the neighbouring garden of No. 93 Hilton Lane. The proposed ground floor rear window would be screened by existing rear boundary treatments.

Other Matters

The Local Planning Authority did raise concerns in relation to the raised terrace, and its relationship with the side boundary with the applicant/agent prior to determination of the application. An amended plan was submitted showing an obscured glazed screen along the side boundary however it is considered that this screen would effectively create a two storey, flat roof extension that would appear alien in the context of the host property and would effectively create a two storey, flat roof side extension that would be at odds with the visual amenities of the area. Whilst the application site is somewhat screened from public views due to its location at the end of a cul-de-sac this is not a reason to pursue bad design.

Government guidance is clear that it is at the discretion of the LPA whether to accept changes or additional information to submitted applications. The LPA also has discretion to determine if the changes need to be re-consulted on, or if the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted.

The applicant's agent has asked that any decision on this site is based on the amended plans rather than the plans submitted with the original application. Whilst acknowledged that this would amend the reason for refusal the from a residential amenity based reason

DELEGATED REPORT

for refusal, to a design based reason for refusal the LPA has not accepted the plans as they would amend the description of development and the amended plans have not been consulted upon. The LPA would not seek to negotiate amendments that will not affect the overall in principle decision to refuse the application.

Neighbour Objections

It is considered that the objections in terms of residential amenity have been addressed above.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed balcony and its position would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of 93 Hilton Lane by reason of the sub-standard distances between the raised balcony area on the proposed extension and the directly facing boundary of the neighbouring property. The proposed development therefore conflicts with Unitary Development Plan Policy H2/3 Alterations and Extensions and associated 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>
HP 30/09/2026		DM 1/10/26	