

DELEGATED REPORT

Report by Jane Langan	Date of report: 10/06/2026	Ref: 73156/FUL
Registration: 30/04/2026	LDfC: 05/06/2026	Expiry Date: 25/06/2026
Site Visit: 27/05/2026	Site Notice: N/A	Press Date: N/A
Objections: 5	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Loft conversion with front dormers, front porch extension with steps/railing and raise roof ridge line.

Location: 21 Mizpah Grove, Bury, BL8 2SD

Description

The property is a detached bungalow located via a private drive at the top of Mizpah Grove. It is gated at the entrance with drive and gardens to the front and areas of garden to the side and rear. The site has planting and hedges along the garden boundaries and there are residential properties bounding the site. TPO 53 covers trees along the drive leading up to the site.

The application proposes to raise the ridge of the property by 0.97m with the addition of 3 pitched roof dormers to the front and roof lights to the rear. The additional roof space would form 3 additional bedrooms, a shower room, landing and store room. To the front a dual pitched roof porch would come out 1.67m deep and 2.8m across with steps out.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter and 5 objections have been received from nearby neighbours. Their concerns in summary are :-

- Drive is shared and access must be maintained
- Any damage by contractors must be put right at applicants expense
- Form states no trees could cause harm in the event of falling over. There are large trees around the property and some are subject to a TPO
- Proposal is overbearing and visually intrusive
- Loss of light to neighbouring properties
- Overlooking to neighbouring properties.
- Rooflights below 1.7m privacy line.
- Not 7m to rear boundary. SPD6 requires an extra 3m separation, 10m in total.
- There is established Bat and Owl activity. Mature trees and location in proximity to Elton Reservoir Basin and Parkland Nature Corridor. Opening the roof requires a Preliminary Roost Assessment (PRA) prior to determination to ensure compliance with the Wildlife and Countryside Act.
- There are toads, a protected species, on the site.

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
PFE	Places for Everyone

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 and design -The site is located off the end section of Mizpah Grove with

limited view from the main street view. The proposed increase in the ridge of 0.97m would not be significant and would include a raise in the eaves of approximately 0.4m. The dormers would be 2.9m wide and well spaced along the front roof slope each with a dual pitched roof and the walls tile hung. The extended walls would be in render and the roof in slate. The proposed porch would not project excessively at 1.67m deep and with a dual pitched roof and in brick finish.

The proposal is considered acceptable in size, design and materials and would not have a detrimental impact on the visual amenity of the area.

Parking - The proposal would increase the number of bedrooms from 2 to 5 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide 3 parking spaces. The site has sufficient space to the front drive to provide this level of parking.

Residential amenity -

20 Birkdale Drive is a semi detached property that sits to the south side of the site and side on. It has a detached outbuilding along the boundary and there is planting to the site along the boundary. There would be no change to the site windows to this side and which are located along the ground floor. The increase in the ridge height at 0.97m and with the site being located to the north side it is not considered that the proposed would not cause any significant loss of light or over shadowing. The proposed front dormers would face down the site drive and garden.

15 Birkdale Drive is located to the rear of the site and a two storey property whose side elevation faces the rear boundary of the site. There are hedges screening from ground floor and this neighbouring property has a window at first floor visible from the site garden. The rear elevation of the proposal would see the addition of 4 roof lights. SPD6 Aspect standards set out that there should be a 7m distance from a first floor window to a rear boundary. In this case there would not be the addition of a first floor it is proposed to create accommodation on the raised roof space. A section has been provided to show the distance from the rear wall of the site to the boundary is 6.58m and the distance from the rooflights to boundary would be 9.2m. In addition the proposal has been revised to raise the rooflights to be 1.7m from inside floor level to cill. This would then meet the requirements of SPD6 Aspect Standards providing adequate separation distance.

Elton Chase, 33 Mizpah Grove is located past the end of the site drive and has its rear elevation bordering the drive into the property Elton Vale. The proposed front dormers would face directly down the front garden and drive to the site and there would be in excess of the 7m from the dormers to the boundary of the site.

19 Mizpah Grove is located beyond the entrance to the site drive and there would be well in excess of 7m from the proposed dormers to the boundary to the rear garden to this neighbouring property.

In conclusion, there would no serious impact on the amenity of the adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Response to neighbour objections - The issues regarding loss of light and overlooking to the relevant neighbouring properties are addressed in the above report.

The concerns regarding access along the shared drive and potential damage are a civil matter between the relevant owners.

The proposal does not add a first floor, the ridge would see a modest increase.

SPD6 Aspect Standards requires an additional 3m separation where windows are added above a first floor, for example a dormer.

Note the current SPD6 was revised and adopted in 2020. This removed the 20m distance

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between habitable room windows facing each other and also related to direct facing. An informative is added to advise the applicant of their responsibilities regarding protected species.

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 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 (01)001 Rev PL2, (02)001 PL1, (03)001 PL2, (04)001 PL2, (05)001 PL1 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>
JL	10/06/26		