

DELEGATED REPORT

Report by Mo Warsame	Date of report: 08/10/2025	Ref: 72302/FUL
Registration: 14/08/2025	LDfC: 30/09/2025	Expiry Date: 09/10/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor side extension

Location: 12 Abbey Drive, Bury, BL8 2HP

Description

The property is a semi-detached house built in red brick. The property has an open plan frontage with drive space for at least two vehicles. There is an attached flat roof garage to the side of the house. Access to the rear garden is via a path at the side of the garage. The rear garden has 2 metre fences to all boundaries.

Planning application is sought for the erection of first floor side extension over the existing garage to provide an additional bedroom with ensuite. The extension would project 2.55m to the side and would have a set-back by 0.65m from the front elevation and there would be a further 0.85m setback between the extension and the side boundary. The extension would run to the principal rear elevation. The proposed extension would have a gable roof lower than the main pitched roof and use matching materials.

Relevant Planning History

50132 - SINGLE STOREY EXTENSION AT SIDE; CONVERSION OF EXISTING FLAT ROOF AT FRONT AND SIDE TO PITCHED - Approve with Conditions 10/07/2008
53641 - Non-material amendment following grant of planning permission 50132 to bring gable wall in line with existing garage wall to make extension bigger - Approve 28/02/2011

Publicity

Neighbour letters sent on 09/09/2025. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed first floor side extension would be considered in-keeping with the existing property. Positioned at the side above the existing garage, the extension would be visible from the public arena, however the proposed materials would match existing. The existing conifers trees and planting along the rear boundary would further reduce the impact on the residents to the rear. The gable roof for the proposed side extension would be extended short of the shared boundary. As such, the proposed first floor side extension would be considered to be acceptable.

Residential amenity

DELEGATED REPORT

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

There are minimum impact on overlooking and privacy to the rear of the property as there are sufficient separation distance to the rear boundary from the proposed first floor habitable room. Therefore the extension would comply with the adopted guidance in SPD6.

The proposed extension does not project beyond the front nor rear building lines and therefore the 45-degree rule would not apply.

There are no new side windows proposed.

Given the positioning and size of the extension there would be minimum impact on neighbouring properties and their rear gardens.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 Dwg no. 2 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>
MW	08/10/2025		