

DELEGATED REPORT

Report by Helen Pressley	Date of report: 24/09/2025	Ref: 72013/FUL
Registration: 17/06/2025	LDfC: 22/09/2025	Expiry Date: 12/08/2025
Site Visit: 22/09/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Proposed side extension; proposed front porch; proposed first floor rear extension; pitched roof above existing first floor flat roof; alterations to the front and side window arrangements.

Location: 106 Kings Road, Prestwich, Manchester, M25 0FY

Description

The application relates to a semi-detached property, located on a corner site on the junction of Fort Road and Kings Road. The property is utilised as a place of worship. The property currently has existing single and two storey rear extensions. The site is located in a primarily residential area.

Planning permission is sought for the construction of a single storey side extension that projects approximately 1700 mm, a proposed front porch that projects approximately 1200 mm, a proposed first floor rear extension that projects approximately 3000mm, the provision of a pitched roof above the existing first floor rear extension and alterations to the front and side window arrangements.

Relevant Planning History

71148 - Single storey extension at rear and rebuilding of external wall of existing side extension - 22/07/2025

68879 - Single storey extension to front/side/rear and basement works
- Withdrawn - Invalid 12/01/2023

69236 - External extension to front side and rear with internal reconfiguration - Withdrawn - Invalid 18/12/2023

70758 - Lawful development certificate for existing use as place of worship (F1) - Lawful Development 09/07/2024

71148 - Single storey extension at rear and rebuilding of external wall of existing side extension - Refused 20/11/2024 Appeal dismissed.

71549 - Single storey rear extension and rebuild existing external wall of existing side extension - Approve with Conditions 24/04/2025

Publicity

Letters sent 18/06/2025. No representations received.

Following receipt of amended floor plans and elevations, and a change of description further letters sent 01/09/2025.

1 comment received in relation to:

- Concern in relation to loss of privacy due to public nature of the building.
- Condition requested to obscure glaze side facing window of proposed prayer hall, rooflights in lean to and new first floor rear kitchen window.
- Would like to clarify that the can not be required to obscure any of the existing windows in their property which is outside of the red edge.

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - no comments to make regarding contaminated land and air quality.

Environmental Health - Pollution Control - no comment

Traffic Section - condition requested for the storage of building materials within the curtilage of the site.

Waste Management - No response

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN8/2	Woodland and Tree Planting
H2/3	Extensions and Alterations
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN6/3	Features of Ecological Value
JP-C5	Streets For All
JP-C6	Walking and Cycling
HT2/4	Car Parking and New Development
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 Design

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places. Due to the nature of the proposal, attached to an existing semi-detached dwelling it is considered that UDP Policy H2/3 and associated SPD 6 are also relevant to this proposal when assessing design. 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.

The proposed front porch, and single storey side extension are of a similar design with a flat roof and stone parapet detailing. Whilst flat roofs are often not supported within prominent positions due to the impact on the street scene these additions are considered to be of a modest scale and would tie in with the arts and crafts style of the original property. As such no objections are raised to the designs of these additions.

The proposed front porch would not project excessively from the front elevation, and would not interfere with the conical turret roof feature on the corner of the property. Similarly the side extension would not interfere with this feature. It is noted that the current enclosed porch would be removed, and replaced with brick infilling that would tie into this feature however this would replicate the existing form of development on site just with differing materials.

In relation to the projection of the side extension SPD 6 states single-storey side extensions on corner plots should not normally occupy more than half of the available width of the side area or should normally leave a minimum of 2m from the back of the public highway to the side wall of the proposed extension. The proposed extension would occupy more than half of the side area of the property, and only 1215mm would be retained to the back edge of the highway however, SPD 6 also states a lesser set back may be acceptable where the prevailing pattern of development in the locality is typified by relatively shallow frontages.

The properties on Kings Road and Fort Road within the immediate vicinity of the site do have shallow frontages measuring between approximately 2800mm and 4500mm. Whilst the proposal would occupy more than half the available width, some area to the side of the property is still retained and as such it is considered that the proposed projection would not have a detrimental impact on the character of the streetscene.

The pitched roof addition to the rear is welcomed. The flat roof first floor extension would be obscured by this addition and would be set into the site so as to not be visible from Fort Road.

The alterations to the existing window arrangements to the front and side, and the proposed new windows and doors are considered to be suitably aligned and would not detract from the character of the property or the surrounding street scene.

The use of matching materials is considered to be appropriate.

Amenity

UDP Policy EN1/2 seeks to ensure that the relationship of the proposal to the surrounding area is taken into consideration when assessing proposals. Due to the nature of the proposal, attached to an existing semi-detached dwelling and residential dwellings to all sides, it is considered that UDP Policy H2/3 would also be relevant. Policy H2/3 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties. There are no adopted aspect standards for extended commercial properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and overbearing relationships and as such, would be a reasonable guide in this case given the proximity to residential properties.

The proposed side extension would face towards the side elevation of no. 108 Kings Road and would be separated from this site by a highway (Fort Road) as such the location of the proposed extension would not be unduly overbearing on this property.

The proposed front extension would project beyond the front elevations of No. 108 Kings Road and the attached property at No. 104 Kings Road. As above due to the intervening highway the location of the proposed extension would not be unduly overbearing on no. 108. No. 104 is attached to the site however the proposed extension would not impact on a 45 degree line as taken from the adjacent ground floor habitable room window of this property and as such would be acceptable.

The proposed first floor rear extension would be adjacent to the boundary with No. 104. This property has an existing single storey rear extension that runs along the shared boundary. The proposed first floor extension would not project more than 3 metres beyond the existing first floor rear elevation of No. 104 and is therefore compliant with the intentions of SPD 6.

No.2 Fort Road is located to the rear of the site and has side windows facing towards the site that appear to relate to habitable rooms. It has been established on previous applications that the ground floor windows that face the site are secondary windows. The first floor windows appear to relate to bedrooms. The proposed first floor rear extension would be located approximately 5.8 metres from this side elevation which is below the 6.5 metres required by SPD 6. Taking into consideration the existing first floor extension at the site, existing outlook from these windows, and the fact that these windows are located on a side, rather than a principal elevation it is considered that a deficit of 700mm would not warrant refusal of the scheme.

The proposed side windows have been located so that they face east. Given the relationship with No. 108 King Road no undue overlooking is foreseen from the proposed first floor or ground floor windows.

The proposed new front door within the single storey front extension would relate to a circulation space/entrance rather than a habitable room and as such no undue overlooking is foreseen.

The front window within the proposed side extension would face towards a highway and would be separated from the directly facing school by this highway. As such no undue loss of privacy is foreseen. The rear window within the proposed side extension would face towards the bay window of No. 2 Fort Road. Given that it has been established that this window is the principle habitable room window for the ground floor of this property in previous applications at the site it is considered prudent to obscure glaze this window.

The proposed rear first floor kitchen window would relate to a non-habitable room but given the deficit in aspect standards it is considered that this window should be obscure glazed to prevent any loss of privacy to the residential property to the rear of the site (No. 2 Fort Road).

The impact of the single storey rear extension has previously been considered and is not included within the description of development however this application indicates that the applicant would seek to add rooflights to this element. Given the nature of rooflights no undue overlooking is foreseen.

Highways and Access

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way and UDP Policy H2/4 that requires consideration of the impact of parking areas on the amenity of neighbouring properties, and the consideration of car parking and servicing requirements. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The use of the site has already been established through a lawful development certificate. The proposed extensions would involve the reconfiguration of the internal layout to provide suitable ancillary amenities to the users of the site and would not significantly increase the capacity of the site. The site currently has no on site parking provision. The proposal would not amend the access to the site.

A redundant footway crossing onto Fort Road is located to the side of the proposed extension. It appears that this access was abandoned between 2009 and 2012 following the construction of the existing timber single storey rear extension that does not appear to have been granted planning permission. A substantial hedgerow is now established adjacent to Fort Road in this location. The Local Highway Authority have requested that this footway should be reinstated to adjacent footway levels as part of this proposal. A condition was attached to the previous consent 71549 in relation to this and has been replicated on this consent to ensure that these works are undertaken.

Ecology and Biodiversity Net Gain

PfE Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment.

The site comprises a singular building and extension works are proposed. In general, the site holds very limited ecological value with the exception of potential for bat roosts within the building.

The plans indicate that works to single storey extensions, and existing flat roofs are proposed only. Flat roofs which are generally less suitable for roosting bats than pitched roofs with loft spaces. The existing roof of the main building will have limited impact. Based on this, the proposal is likely to be of very low risk to bats. However, as bats are highly mobile creatures, an informative is added in relation to bats and Habitat Regulations.

Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition. Commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

The de-minimis exemption applies to this site, as less than 25 square metres of habitat would be lost through the proposal as the proposal would utilise an area occupied by an existing building, and hardstanding.

A condition will be added to ensure that works that would impact on habitat where nesting birds may be present (for example building demolition, works to/or removal of trees/shrubs), should not be undertaken in the main bird nesting season (March - August) unless suitable checks for active bird nests have been undertaken.

Planning policy also encourages enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application and as such a condition requesting bat or bird boxes is proposed.

Carbon and Energy

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions. The applicant has confirmed that the extensions would be built to current U- Value standards, thus complying with Part L of Building Regulations complying with the above Policy.

Digital Connectivity

PfE Policy JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas. The existing building is already served by full fibre internet.

The applicant has confirmed that the building is served by fully functioning fibre complying with the above Policy.

Response to representations

It is considered that the concerns in relation to overlooking/loss of privacy have been assessed within the main body of the report and conditioned accordingly.

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 Location Plan, GSS23135 002, GSS23135.9 502, GSS23135.9 003 Rev 1 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.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
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 Before the first occupation of the extension hereby permitted the ground floor rear window within the side extension, and first floor rear kitchen window shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policies H2/3 - Extensions and Alterations and EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 4 Notwithstanding the details shown on the approved site plan measures to reinstate the abandoned crossing onto Fort Road to adjacent footway levels shall be submitted to and agreed in writing with the Local Planning Authority within 3 months of the date of the decision. The details subsequently approved shall be implemented prior to the occupation of the extension hereby approved.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Development Plan Policies JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 5 No works to trees or shrubs or demolition shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 6 Prior to occupation of the development hereby approved the applicant shall install bat boxes or bird boxes within the existing building or proposed extensions.
Reason. To secure the satisfactory development of the site and ensure enhancements and net gains for biodiversity pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

<u>Case Officer</u> HP 24/09/2025	<u>Date</u>	<u>Sign off Officer</u> DM - 25/09/2025	<u>Date</u>
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