

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 03/07/2026	Ref: 73105/FUL
Registration: 19/05/2026	LDFC: 11/06/2026	Expiry Date: 14/07/2026
Site Visit: 10/06/2026	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 extension at rear

Location: 7 Richard Burch Street, Bury, BL9 6DU

Description

The application relates to a two storey semi-detached dwelling on the southern side of Richard Burch Street. The front of the property is separated from the pavement by a low wall with fencing. There is a gate for both pedestrian and vehicular access in the front boundary wall and a paved driveway and small garden area. To the eastern side, there is an access gate for pedestrians into the rear garden. The rear garden boundaries are formed by timber fencing.

The proposal is to build a first floor rear extension. The proposed would project a maximum of 2.8m from the original rear elevation of the property and would span across the width of the property at 4.9m. Towards the western side, it would be chamfered and therefore would only project 2.4m from this side. It would incorporate a hipped roof 4.9m to the eaves and 6.3m to the ridge.

The area is residential nature, with parking a mixture of on private driveways and on street.

Relevant Planning History

None

Publicity

5 neighbouring properties were consulted on 09.05.2026. No comments or observations were received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Development Plan and Policies

SPD6	Supplementary Planning Document 6: Alterations & Extensions
H2/3	Extensions and Alterations
NPPF	National Planning Policy Framework
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 PpE 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.

The proposed would be wholly sited within the rear garden of the application property and therefore would have a minimal impact on the visual amenity of the street. A hipped roof is incorporated, set down from the existing ridge height, to ensure the proposed appears as a subordinate and consistent addition to the host dwelling.

Access to the rear is retained for storage of bins on non-collection days and materials proposed are consistent with the host dwelling.

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Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

Residential Amenity

SPD 6 provides guidance on interface distances between residential developments.

5 Richard Burch Street is the adjoining neighbour. Although the proposed would impinge at a 45 degree angle to a habitable room window, the application property and neighbouring property have already been extended at ground floor and therefore it would be considered acceptable in this instance.

9 Richard Burch Street is the neighbour to the east. The proposed would be sited approximately 2.2m from the boundary with this neighbour and therefore would not impinge at a 45 degree angle to any habitable room windows. Furthermore, the proposed doesn't introduce any further habitable room windows to face this neighbour.

3-7 Topping Street are the neighbouring properties to the rear. The minimum interface distance between the application property and these properties to the rear is approximately 15m, which is less than the 20m considered acceptable under SPD 6. Furthermore, the proposed would introduce first floor habitable room windows approximately 5m from adjoining boundary with these neighbours and therefore this also conflicts with the guidance outlined within SPD 6.

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 development would be seriously detrimental to the residential amenities currently enjoyed by the occupiers of the rear neighbouring dwelling houses, by reason of its size and position. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties

<u>Case Officer</u> CO 03.07.2026	<u>Date</u>	<u>Sign off Officer</u> HL 3/7/26	<u>Date</u>
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