

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 04/03/2026	Ref: 72874/LDCP
Registration: 19/02/2026	LDFC:	Expiry Date: 16/04/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed: Internal alterations and limited external modifications to the existing dwelling. No extensions, new access points, new streets, hard-standings. Internal Works: - Reconfiguration of the ground floor layout, including partial removal of an internal wall to create an open-plan kitchen, living and dining area. - Conversion of the existing garage: the front section to form a utility room, with the remainder adapted as a play space. - Installation of a WC beneath the staircase, connected to the existing foul drainage system (no external drainage works). All internal works are contained within the existing building footprint. External Alterations: - Replacement of the existing garage door with a new front window. - Removal of one side elevation window. - Installation of new patio doors and an additional window to the rear elevation to improve access to and views of the garden. All replacement / new windows are complimentary to the existing style. No other changes to the external appearance, access arrangements, boundary treatments, ground levels, or means of enclosure are proposed.

Location: 21 St Marys Road, Prestwich, Manchester, M25 1AQ

Description

A lawful development certificate is sought for the below amendments:

- conversion of the existing garage together with the replacement of the garage door with a window at the front
- a replacement window for a door on the rear elevation
- replacement patio doors for an existing window at the rear
- existing rear door to the kitchen to be removed and a new window added in its place

Relevant Planning History

None

Publicity

None relevant

Statutory/Non-Statutory Consultations

None relevant

Pre-start Conditions - Not relevant

Development Plan and Policies

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.

The conversion of a domestic garage to a habitable use is not a material change of use and as such does not constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended). This is therefore considered acceptable.

The partial bricking up of the garage door within a dwellinghouse and the insertion of a new window would constitute an alteration or improvement to the dwellinghouse under Part 1, Class A of The Town and Country Planning (General Permitted Development) (England)

DELEGATED REPORT

Order 2015 (as amended) and as such would be lawful.

Furthermore, the bricking up of the side window and replacement of a window to door and door to window in the rear elevation also constitute an alteration to the dwellinghouse under Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such would be lawful.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposal as described in the First Schedule, is deemed to be 'Permitted Development' having regard Article 3, Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

<u>Case Officer</u> CO 04/03/2026	<u>Date</u>	<u>Sign off Officer</u> DM 06.03.2026	<u>Date</u>
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