

DELEGATED REPORT

Report by Amanda

Date of report: 15/10/2025

Ref:72301/FUL

Uhunmwagho

Registration: 14/08/2025

LDfC: 30/09/2025

Expiry Date: 09/10/2025

Site Visit:

Site Notice: N/A

Press Date: N/A

Objections: 2

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Variation of condition no. 3 (external finishing materials) on p/p 71647 (Two storey extension at side/rear; New front porch; Loft conversion with rear dormer; 1 rooflight to the front and 2 rooflight/balconies):

Change of materials on bay windows to front elevation from tiles to grey cladding

Location: 36 Agecroft Road East, Prestwich, Manchester, M25 9RT

Description

The application relates to a previously extended two storey semi-detached house fronting on to Agecroft Road East with Hollyedge Drive to the side. There have been several applications at the site and the previously approved extensions are built. The current application seeks to vary condition no. 3 (external finishing materials) on p/p 71647 (Two storey extension at side/rear; New front porch; Loft conversion with rear dormer; 1 rooflight to the front and 2 rooflight/balconies) by changing the approved materials on the bay windows on the front elevation from tiles to grey cladding. There are no proposed changes to the rest of the previously approved proposal, reference 71647.

Relevant Planning History

67780 - Two storey extension at side/rear; Raised patio with glass balustrade and steps to garden level at rear; New front porch - Approve with Conditions 19/01/2022

69972 - Two storey extension at side/rear; New front porch; Loft conversion with rear dormer - Approve with Conditions 10/10/2023

71647 - Two storey extension at side/rear; New front porch; Loft conversion with rear dormer; 1 rooflight to the front and 2 rooflight/balconies - Approve with Conditions 12/05/2025

25/0025 - Not built in accordance with approved plans of planning permission 69972 - 07/03/2025

25/0203 - Not being built in accordance with approved plans of planning permission 71647

Publicity

9 neighbours notified on 09/09/2025 - Two objections received. See below.

1. The scale of the development should provide a quality similar in standard / appearance to the features being replaced. The quality of build is poor and the dumbing down of the bay window further exacerbates the lack of quality

2. SPD 6 3.1 states applications should, "Achieve a high standard of design and complements the original building by reflecting its finishing materials. Specific features, such as .. windows should particularly reflect the dwellings .. architectural integrity". The change from tiles to grey rubber cladding does not

3. SPD 6 4.4 states, "proposals should respect original architectural features such as bay windows and match the existing finishing materials". The proposal should match the existing finishing materials

4. There are no properties on the street using a rubber cladding in lieu of tiled bays. The rubber is of poor appearance and is already heavily stained with bird droppings
5. The LPA should consider setting precedent in determining this app

We would like to object to the grey cladding on the bay windows as they are unsightly and not in keeping with the other properties in the area (no other properties on this road have this cladding). I have very little faith in this system given the casual way in which peoples legitimate concerns have been dismissed in previous applications (even when they have been made retrospectively). This applicant seems to get whatever he wants no matter what the impact on other people.

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.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

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 grey cladding would be considered to be in keeping with the door/window frames and the roof colour at this property. As such the colour would be considered acceptable at this property. In terms of the materials used for the cladding there are a variety of different types and styles of materials that are being used on developments around the borough from traditional style products to modern types. The cladding remains in keeping with the rest of the finished materials on this property and would not cause any significant harm to the existing streetscape. As such there would be no reason to refuse it. The rest of the development remains the same as previously approved with application ref 71647.

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.

Residential Amenity -

The proposed change to the cladding would not have any significant detrimental impact on residential amenity in the area and the rest of the development would remain as previously approved.

The proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of separation distance to the surrounding properties and the 45° rule from nearest relevant window of the adjacent property.

Parking -

The proposal would result in there being three bedrooms at the property which would be the same as the existing dwelling, plus a study therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking for two vehicles to the front of the site. There is public transport available and there are no parking restrictions to the highway in front. In this instance then the parking arrangements are considered sufficient.

Response to neighbour objections -

The scale of the development and overall appearance has been assessed and approved as part of application 71647 and there are no proposed changes to the overall size and design of the development.

The change in materials for the cladding has been addressed in the visual and residential amenity sections of the report above.

One objector commented that the applicant seems to get whatever they want no matter the impact on other people. Planning applications are assessed against relevant policies and adopted guidelines. If the proposal satisfies all the requirements there would be no reason for the local planning authority to refuse an application.

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 the drawing received on 05/09/2025 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 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.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building and the cladding to the front bay windows shall be grey cladding as shown on the proposed drawing.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
AU - 15/10/2025		HL - 15/10/2025	