

## **DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 22/07/2025

**Ref:**71868/FUL

Uhunmwagho

**Registration:** 15/05/2025

**LDfC:** 09/06/2025

**Expiry Date:** 10/07/2025

**Site Visit:** 27/06/2025

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 0

**Con Area:** N/A

**Adv Type:** N/A

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Two/single storey rear extension

**Location:** 68 Horne Street, Bury, BL9 9HS

### **Description**

The application relates to a two storey, mid terrace house with a small front garden and a yard to the rear. There is no on site parking. At the rear there is a single storey out-rigger which is attached to the neighbouring one at no.66 and the applicant has already built a flat roof dormer on the rear. This has been built under Permitted Development rules and is not part of the proposal.

The proposal is to build a single/two storey rear extension. At ground floor level the extension would project 5038mm and would measure 4400mm wide. The roof would be flat. The two storey element would be built central on the rear elevation. It would measure 2325mm x 2650mm and it would have a pitched roof.

### **Relevant Planning History**

N/A

### **Publicity**

5 neighbours notified on 16/05/2025 - No comments or objections 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

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 extension would be visible from the back street but it would be built with materials and a design that would be considered to be in keeping with the existing building. As such it would not have any significant detrimental effect on the existing streetscene.

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 -**

- Separation distance to properties at the rear would be acceptable in terms of SPD 6.
- The upper floor window would be within 7000mm to the rear boundary but as the room would be a bathroom, which is classed as a non-habitable room, the sub-standard distance would be acceptable in this instance.
- With regards to upper floor windows at both adjacent dwellings the 45° rule would be satisfied and as such it would be considered that the two storey element would not cause any significant harm in terms of the upper floor windows at the adjacent properties.
- The two storey section would be set in away from both side boundaries meaning there would not be any significant detrimental impact on the rear yards of the neighbouring houses.
- The single storey section would project 5038mm adjacent to the shared boundaries with numbers 66 and 70 Horne Street. As there is a single storey out-rigger to the rear of no.66 which projects around 2600mm the proposed extension would not have any significant detrimental effect on residential amenity at that property. No.70 does not have an extension adjacent to the site boundary, but as they have no objected to the proposal it would be deemed acceptable under the Larger Homes Scheme.
- The drawings show that all of the development would be built within the site boundaries but they would need to build the wall up to the side of the out-rigger at n0.66. They have served notice on neighbours at numbers 66 and 70 Horne Street and certificate B has been submitted with the application.

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 not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the highway in front of the site.

**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 drawing numbered RAD/3302?25/1/Rev C received on 22/07/2025 as modified by the email from RA Design & Project Management Ltd dated 22/07/2025. The development shall not be carried out except in accordance with the details 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.

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 -                | 22/07/2025  | DM -                    | 23/07/2025  |