

DELEGATED REPORT

Report by Helen Pressley	Date of report: 07/04/2026	Ref: 72890/FUL
Registration: 11/03/2026	LDFC: 02/04/2026	Expiry Date: 06/05/2026
Site Visit: 26/03/2026	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at rear

Location: 34 Tamar Close, Whitefield, Manchester, M45 8SJ

Description

The application relates to a two storey, semi-detached dwellinghouse located on Tamar Close. The premises has an existing single storey conservatory extension, and area of private amenity space to the rear.

Planning permission is sought for the removal of the existing single storey conservatory extension and replacement with a new single storey extension that projects approximately 4950mm.

Relevant Planning History

None

Publicity

Neighbour letters sent 12/03/2026.

4 representations of objections, received from 1 address in relation to:

- Extension is right on the boundary with risk of encroachment by foundations.
- Potential impact on shared/party walls.
- Risk of damage to neighbouring property.
- Could prevent neighbour constructing an extension.
- Loss of light to rear kitchen window.
- Site and location plan inaccurate showing attached house projecting further than it does. Temporary lean-to has been misinterpreted as permanent structure.
- Proposal would breach 45 degree rule.
- Loss of enjoyment of garden.
- Visually dominating and out of character.
- Larger than neighbouring extensions.
- The flue for my gas boiler is sited on the rear wall towards the boundary and this extension appears too close which risks the toxic gasses expelled from the boiler re-entering my property
- This is against Bury Local Plan LP-H9 Section 5.51-5.52.

Statutory/Non-Statutory Consultations

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

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 located entirely to the rear of the property and would only be visible at a distance, over intervening boundary treatments from the shared driveway associated with No. 38 - 42 Tamar Close. The proposed extension would have a pitched, gable roof replicating the shape and style of the host property and the materials proposed would match the existing dwelling. The proposed openings are considered to be suitably aligned.

Approximately 5.6 metres of garden would be retained to the rear of the proposed extension. It is therefore considered that the proposal would not overwhelm the dwelling or result in over development of the associated residential amenity space.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The adjacent property at No. 32 has an existing single storey rear conservatory extension. The proposed extension would not project more than 3 metres beyond the rear of No. 32 as extended complying with SPD 6.

The attached property at No. 36 has an existing timber lean to structure attached to the rear elevation. Having reviewed aerial photography this appears to have been in place since 2021. Indeed, it has been in situ long enough to have been included in OS maps of the site alongside the outbuilding that is also located in the rear garden of this property. The structure has partially enclosed sides, that extend down to around the height of the existing boundary fence, an open rear aspect and projects in parallel with the shared boundary. This structure is attached to the rear elevation and is therefore considered to be an enlargement, improvement or other alteration to a dwelling house as defined under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1 Class A. The kitchen window of the attached property is located under this addition.

The proposed extension would project approximately 1.5 metres further than the existing extension and would not project more than 3 metres beyond the rear of No. 36 as enlarged. This would comply with the provisions set out within SPD 6. It should also be noted that kitchen windows are non-habitable rooms and as such not protected in the same way as principal habitable room windows are. It is acknowledged however that this is the main window at the rear of the house. It is considered that the existing lean to timber structure, and intervening boundary fence would have more of an impact on this window than the proposed extension. The kitchen window would maintain its principle outlook of the garden and outbuilding associated with No. 36.

As set out within SPD 6 in this instance it is considered that the fall back position of what could be built under permitted development rights is a material planning consideration. The eaves of the proposed extension would be approximately 2.4 metres high, with the roof sloping away from the shared boundary. The applicant could build a flat roof extension that projects 3 metres, with a maximum eaves height of 3 metres under permitted development rights. This would be higher than the proposed eaves of the proposed extension, and with a roof that would be less in keeping with the host property. The eaves height is also only marginally taller (40 cm) than permitted development rights for a boundary wall/fence and less than the maximum eaves height of an outbuilding (2.5 metres) that could also be constructed under permitted rights adjacent to the boundary.

An adequate amount of amenity space for No. 36 that is not adjacent to an extension would be retained, and as such it is considered that the projection of the extension is not unneighbourly and complies with UDP Policy H2/3 and SPD 6 in this respect.

The proposed side window facing towards the boundary with No. 36 would be a secondary window, largely obscured by the existing boundary fencing and would be separated from

this property by the access paths between the two premises. As such no undue overlooking is foreseen. No windows are proposed facing towards the shared boundary with no. 36. Due to the nature of rooflights no overlooking foreseen. The proposed rear window would face out onto the applicant's garden and would be obscured from the school at the rear by existing boundary treatment.

Response to representations

The amenity of the neighbouring properties has been assessed within the main body of the report.

The plans show the boundary between the properties. The walls of the extension are clearly shown to be sited off the shared boundary and foundations can be constructed so as not to encroach.

It is unclear how this extension, would prevent a neighbouring property from extending in a similar way in the future. No neighbouring property should be relying on access to the site to maintain their property, and any flues should be sited so as not to rely on neighbouring properties to discharge efficiently and safely.

Bury Local Plan LP-H9 Section 5.51-5.52 has not been adopted. The proposal has been considered against UDP Policy H2/3 and SPD 6 which are adopted.

Any potential damage to the adjacent property during construction is a civil matter, not material to the planning decision.

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 drawings received on 23rd February 2026 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 H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 07/04/2026		DM 09.04.2026	