

DELEGATED REPORT

Report by Amanda

Date of report: 24/07/2025

Ref:71936/FUL

Uhunmwagho

Registration: 06/06/2025

LDfC: 01/07/2025

Expiry Date: 01/08/2025

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 extension at rear; Loft conversion with dormers at front and rear

Location: 179 Ferngrove, Bury, BL9 6JN

Description

The application relates to a two storey mid-terrace house in a short row of four homes. A lot of the houses in this area are local authority owned and some are privately owned. Directly to the front of the site is the M66 motorway. At the rear properties on Kingfisher Drive are of a similar design and they are built at a slight angle compared to properties on Ferngrove.

At the front of the site the front garden area has been cleared and it is open to the highway in front. Access to the rear garden is via a shared access path with no.181 Ferngrove to the north. The rear garden has fences to all boundaries and the applicant has started to dig out for foundations of the proposed extension.

No.177 Ferngrove to the south is a similar design to the application property with a kitchen window and ground floor and bedroom above, closest to the shared boundary. There is also a shed adjacent to the boundary. On the opposite side at no.181 there is a canopy erected on the rear elevation which projects across most of the rear garden area.

The proposal is to build a single/two storey rear extension and a loft conversion with a flat roof rear dormer and a pitched roof front dormer. At the rear the extension would have an overall projection of around 4m and it would measure 4.5m wide. The two storey element would be built central on the rear elevation of the existing dwelling and it would project 3m and would measure 2.67m wide. The roof would be pitched.

There would be a flat roof dormer on the rear which would be set in from both side boundaries and in from the rear elevation by around 150mm. The roof would be no higher than the existing ridge of the dwelling. The front dormer would be built directly above the first floor window below. It would measure around 1.73m wide and it would be set back from the front elevation by around 1m. It would have a pitched roof.

Relevant Planning History

03079/E - -

03080/E - Loft conversion with rear dormer, two storey rear extension, front dormer, raising of the ridge - Enquiry completed 24/04/2025

Publicity

5 neighbours notified on 09/06/2025 - No comments or objections received.

Statutory/Non-Statutory Consultations

Property & Technical Services - Estates Consultancy - No comments received.

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 majority of the development would be to the rear of the dwelling and would only be visible from the rear gardens of neighbouring properties. In addition all of the development would be built with materials and a design that would be considered to be in keeping with the existing building.

The front dormer would be relatively small with a pitched roof and built directly above the first floor window above. It would be built with materials and a design that would be considered to be acceptable on this particular property and it would not occupy a disproportionate area of the existing roof space. As such it would not have any significant detrimental impact on the character of 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 -

- There are no residential properties directly to the front of the site.
- The separation distance to properties on Kingfisher Drive at the rear would be acceptable and those properties are built at a slight angle compared to the site.
- There would be around 7m from the two storey element of the rear extension to the rear boundary. This would be in line with requirements as set out in SPD 6.
- At ground floor level the extension would project around 4m from the original rear elevation of the dwelling. This would be 1m further than the recommended 3m as set out in SPD 6. However, as the attached neighbour has not objected the 4m projection would be considered to be acceptable under the larger homes scheme. It is also noted that the neighbour at no.177 Ferngrove has a shed directly adjacent to the shared boundary which would screen some views of the proposed extension from their property and garden.
- On the opposite side the extension would be around 1m from the shared boundary with no.181 Ferngrove. This property has a canopy which extends over much of its rear garden. The site is due south of this property but taking into account the existing canopy at no.181 and that the extension would be around 1m away from the shared boundary, the development would not have any significant detrimental impact on residential amenity at the rear of that property.
- The two storey element would be built around 1m off the shared boundary with no.177 and the 45° rule would be slightly contravened on the southern corner of the extension. However, it would be minimal and as the site is positioned north of no.177 it would not have any significant detrimental impact on the path of sunlight to the rear of this property. It is considered that the two storey element would be acceptable as proposed.
- The plans show that all of the development would be built within the residential curtilage and as such there would not be any concerns about encroachment onto neighbouring land.
- It could be possible to build a rear dormer as permitted development. The drawings show that it would be set in from the rear elevation and both side boundaries, and it would not be any higher than the existing ridge of the property. As such the dormer would be considered to be acceptable in this location.
- The front dormer would overlook the highway and M66 motorway only.

Taking the above into account 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.

Parking -

The proposal would increase the number of bedrooms from 2 to 5 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The site as existing does not have any on site parking but there could be the possibility of creating 2 spaces to the front of the site under permitted development rules, and the applicant would need to make an application to Highways to add a dropped kerb to the front.

There are no parking restrictions to the highway in front and the site is close to public transport links. In this instance then the parking arrangements are considered sufficient.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 drawings received on 14/05/2025 (existing plans and elevations), drawings received on 14/07/2025 (Proposed plans and elevations) and drawing received on 21/07/2025 (Proposed site plan) as modified by the emails from Mr Samanto Beswick dated 14/07/2025 and 21/07/2025. 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	24/07/2025	DM	28/07/2025