

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 20/04/2026	Ref: 72899/FUL
Registration: 09/03/2026	LDfC: 01/04/2026	Expiry Date: 04/05/2026
Site Visit: 17/03/2026	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey rear extension

Location: 39 Kingfisher Drive, Bury, BL9 6JF

Description

The application relates to a 2 storey brick built semi detached dwelling which is located within a residential estate.

The dwelling has a small front garden and garden to the rear. There is no off-street parking.

The ground floor comprises a living room and kitchen.

The application proposes a single storey rear extension to provide a bedroom and wet room for a member of the family with physical disabilities.

The proposed extension would extend out 0.5m from the side of the back wall and project 5.3m rearwards into the garden and return 3.72m towards the attached property. The proposed extension would have a pitched roof and total height of 4m. Elevations would comprise a brown/red brick, concrete roof tiles and white upvc to match the existing.

Relevant Planning History

n/a

Publicity

Letters sent to 2 adjacent properties on 11/3/26.
no responses received.

Statutory/Non-Statutory Consultations

n/a

Pre-start Conditions - Not relevant

Development Plan and Policies

H2/3	Extensions and Alterations
EN1/2	Townscape and Built Design
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 PpE 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.

Design and appearance

The proposed extension would be single storey and positioned at the rear as it would only project out to the side of the house by 0.5m it would not be highly visible to the streetscene.

The design would be in keeping with the existing and materials would match the existing dwelling.

The dwelling has a large rear garden and 11.6m depth of garden would be retained.

It is therefore considered the proposed development would be acceptable and comply with policies EN1/2, H2/3 and SPD6.

Impact on residential amenity

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To the attached property, the proposed extension would be set approximately 2m away from the boundary. There is a window on the rear elevation of the neighbours property which if the same layout as the applicant's would be to a kitchen and non-habitable room. However, the extension would be far enough away from the share boundary not to significantly affect light or outlook from the neighbours property and as such considered acceptable.

On the other side, the proposed extension would be 2.1m from the boundary with No 41. The site is at a lower level and given the separation and intervening fence the proposed single storey extension would not have a detrimental impact on No 41.

Given the siting and scale of the extension there would be no properties at the rear which would be affected by the proposed extension.

It is therefore considered the proposed development would comply with policies EN1/2, H2/3 and SPD6.

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 drawings numbered -

Location plan dwg 04
Existing elevations and floor plans dwg 01
Proposed elevations and ground floor plan dwg 02

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 EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u> JT 20/4/26	<u>Date</u>	<u>Sign off Officer</u> DM 22.04.2026	<u>Date</u>
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