

DELEGATED REPORT

Report by Mo Warsame	Date of report: 14/08/2025	Ref: 72069/FUL
Registration: 23/06/2025	LDFC: 25/07/2025	Expiry Date: 18/08/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: First floor rear extension

Location: 22 Wilson Street, Pimhole, Bury, BL9 7EF

Description

The application relates to a two-storey semi-detached house on a residential street of similar properties. The dwelling has an existing single storey kitchen extension to the rear. The attached neighbour is No.20 and No. 24 is on the opposite side. The rear boundary has extensive tree(s) and shrubbery with no dwellings opposite.

Planning permission is sought for a first floor rear extension. The first-floor section would project 3.2m from the existing rear elevation and have a hipped roof carried over from the existing roof. Materials would match existing and there would be no new side windows proposed. The extension would accommodate a new bedroom and facilitate internal alteration.

Relevant Planning History

70171 - Single Storey Rear Extension - Prior Approval Not Required - Extension 23/11/2023.

Publicity

Neighbour letters sent on 03/07/2025. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

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.

Residential amenity

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

In terms of overlooking and privacy to the rear, the new first floor habitable room windows would have an 8.5m separation distance to the rear boundary beyond which is a railway line and no immediate neighbours to the rear. Furthermore, there would be no new side windows proposed. The proposal is considered to be acceptable and complies with adopted guidance in SPD6.

With regards the 45-degree rule, at first floor the proposed extension would project by 3.2m to the rear. The proposed extension would be acceptable in relation to the attached neighbour which has an identical extension with the same projection in place. Additionally, there would be no encroachment on the unattached neighbour (No.24) following the application of the 45-degree rule. As such the proposed first floor extension would not have an adverse impact upon the amenity of either neighbour.

The proposed extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways

There would be no existing or proposed on-site parking provision. However, there is additional parking available on street with no parking restrictions while the location is within reasonable walking distance of both public transport routes and the town centre. Given the situation, it is therefore considered that the parking arrangements are sufficient.

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 17/06/2025 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 Unitary Development Plan and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	14/08/2025	DM -	15/08/2025