

DELEGATED REPORT

Report by Helen Leach	Date of report: 13/04/2026	Ref: 72932/FUL
Registration: 06/03/2026	LDfC: 10/04/2026	Expiry Date: 01/05/2026
Site Visit: 18/03/2026	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Variation of condition 2 (approved plans) on planning permission 67736 (two storey side extension):

Removal of setback at front

Location: 14 Ludlow Avenue, Whitefield, Manchester, M45 6TD

Description

The application relates to a semi-detached dwelling located on Ludlow Avenue. The premises has an area of garden to the front with a driveway that leads to a single storey detached garage at the side of the dwelling. To the rear of the property there is an area of residential amenity space. The property is in the process of being extended.

Planning permission was granted for a two storey side extension that projected 3 metres from the side of the original dwelling.

The applicant seeks permission to remove the setback at the front at ground and first floor, so the front elevation would be level with the sitting room window. This would be an increase of 0.4 metres.

Relevant Planning History

67736 - Two storey side extension at 14 Ludlow Avenue, Whitefield. Approved with conditions - 16 December 2021.

Publicity

The neighbouring properties were notified by means of a letter on 18 March 2026.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

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.

SPD 6 seeks to prevent two storey side extensions from causing a terracing effect by requiring a 1.5 metre first floor set back to the main frontage or to the boundary. No set back is proposed but a gap of approximately 1100mm to the side boundary is proposed. The adjacent property at No 12 has already extended to the side leaving a similar 1.1 metre gap to the shared boundary. It is considered that unlikely that No. 12 would extend the 1.1 metres to the boundary. No. 12 is also sited at a slightly higher level than the host property (750mm difference). Considering the change in levels between the two properties, and the shared gap of approximately 2.2 metres that will be maintained between the two properties it is considered that the proposal would not lead to the uncharacteristic linking up of dwelling and would therefore comply with the intentions of SPD 6.

The proposed amendment would not have a significant impact upon the design of the proposed extension and would not be a unduly prominent feature in the streetscene.

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Therefore, the proposed development would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

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

- Proposed ground floor, and first floor front windows would be separated from the directly facing property by a highway, front gardens/parking and would project no further forward than the existing window arrangements. As such no undue overlooking is foreseen.
- The remaining relationships to the existing dwellings would be unchanged from the previous approval.

Therefore, the proposed development would not have an significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

Parking - A single parking space (5.77 metres long) would be retained within the curtilage of the site. Whilst the bedrooms at the property would increase from 3 to 4, there is scope to extend the parking at the front of the property if required and on street parking is unrestricted. The retention of a single space at this site is therefore considered to be acceptable.

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 15 December 2024.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 14/LA/1F 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>
HL - 13/04/2026		DM	17.04.2026