

DELEGATED REPORT

Report by Mo Warsame	Date of report: 27/11/2025	Ref: 71945/FUL
Registration: 11/08/2025	LDFC: 02/09/2025	Expiry Date: 06/10/2025
Site Visit:	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: Two storey extension at side/rear

Location: 40 Swinton Crescent, Bury, BL9 8PB

Description

The property is a semi-detached dwelling. It has a drive to the side and gardens to the front and rear. The adjoining neighbour is No.42 Swinton Crescent. No.38 Swinton Crescent is located on the opposite side.

The application proposes a two-storey side and rear extension projecting 1.9 metres to the side and 4.3 metres to the rear beyond the principal rear elevation. The extension would a setback of approximately 5 metres from the principal front elevation and a setback of 0.9m from the shared side boundary. The development would have a pitched roof and would accommodate a bedroom and a bathroom on the first floor along with a utility room, WC and a new kitchen on the ground floor level. The proposal would utilise the use of matching materials.

Relevant Planning History

None.

Publicity

Neighbour letters sent on 11/08/2025. 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.

Visual Amenity

UDP Policy H2/3 and SPD6 seeks to achieve a high standard of design that compliments the original building, does not have a detrimental impact on the character or appearance of neighbouring properties, and protects the general street scene.

The proposed extension would be visible from the public arena. However, the proposed two-storey side/rear extension would have a simple and unobtrusive design and given its modest projections to the side and rear, it would not detract from the character of the dwelling or over dominate it. The extension would have a pitched roof, effectively replicating the style of the host property. Furthermore, the development would be constructed with materials to match the existing dwelling. As such, the proposed two-storey extension would not be a prominent feature in the street scene and would therefore be acceptable. Additionally, No.38 Swinton Crescent have a similar extension in place.

Overall, it is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP Policy H2/3 and SPD 6.

Residential amenity

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

- There would be no detrimental impact on the adjacent neighbouring properties in terms of overlooking and privacy following the application of the 45 degree rule. However, there would be proposed side windows on both the ground and first floors but all the window would be from a non-habitable rooms other than the proposed kitchen window which itself would not be a primary window. Moreover, the all the proposed first floor windows would be conditioned to be obscure glazed up to 1.7m high. The proposed ground floor windows would mostly screened by the existing high fencing and therefore would be acceptable.
- There would be over 20 metres to the properties in the front and rear.
- There would remain an acceptable amount of outdoor private amenity space.
- The applicant has submitted Certificate A.

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

Highways

The proposal will result in one additional bedroom but there will be no changes to the parking layout. Therefore, the driveway at its current condition would meet the maximum parking requirements.

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 dwg no. PP-00 R-2, dwg no. PP-03 R-1, dwg no. PP-04 R-1 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 Before the first occupation of the extension hereby permitted the proposed first floor windows at the side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with 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>
MW	27/11/2025		