

**DELEGATED REPORT**

|                                 |                                   |                                |
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| <b>Report by</b> Jane Langan    | <b>Date of report:</b> 03/03/2026 | <b>Ref:</b> 72764/FUL          |
| <b>Registration:</b> 03/02/2026 | <b>LDfC:</b> 26/02/2026           | <b>Expiry Date:</b> 31/03/2026 |
| <b>Site Visit:</b> 18/02/2026   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b>                  | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Replacement garden room at rear

**Location:** 141 Heywood Road, Prestwich, Manchester, M25 1LF

**Description**

The property is an extended detached house with fenced garden to the rear. Along the rear boundary is a detached garden room building and to the west corner a jacuzzi with cover on posts. The neighbouring properties to each side are Nos.139 & 145 and beyond the rear boundary is a sports field.

The application proposes to remove the existing garden room and jacuzzi area and replace with a new outbuilding. It would be located along the rear boundary and extend as garden room for 9m along and 3.7m wide. To the end, at the west corner of the garden, a further 4.3m in length and 3.1m wide area would provide an open fronted covered jacuzzi area. The whole building would have a sloped roof 2.6m high at the rear increasing to 2.9m at the front with 0.9m projecting from the front elevation as a canopy. There would be sliding doors to the front and bi fold doors to the side into the covered jacuzzi area.

**Relevant Planning History**

70132 - Two storey rear extension with juliette balcony - AC 01/12/2023

40687 - Two storey extension at side - AC 04/06/03

**Publicity**

Surrounding neighbours were notified by letter and no responses have been received.

**Statutory/Non-Statutory Consultations**

None.

**Pre-start Conditions** - Not relevant.

**Development Plan and Policies**

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

**Visual amenity and design** - Located to the rear the outbuilding would not be visible from the main street view. The walls would be finished in composite cladding in an anthracite colour. The footprint and height would not be overlarge for a domestic outbuilding. The proposal is considered acceptable in design and materials and would not have a detrimental impact on the visual amenity of the area.

**Residential amenity** - The proposed building would replace the existing structures in a similar position along the rear boundary. The existing garden room has a dual pitched roof to 3.1m in height and the covered area 2.4m high. The proposed building height would be 2.6m-2.9m and not then significantly higher. The existing site fencing provides screening to the properties to each side and with there are none located to the rear. There would then be no serious impact on the amenity of any adjacent neighbouring properties.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

**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 JK/2202 001 Rev A, JK/2202 002 Rev A 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> |
|---------------------|-------------|-------------------------|-------------|
| JL                  | 03/03/26    | DM                      | 09.03.2026  |