

## Supplementary Planning Document 6

# Alterations and Extensions to Residential Properties



**This Supplementary Planning Document provides advice and guidance on domestic extensions and sets out criteria that will be taken into consideration when deciding household planning applications**

**January 2020**

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# 1 Introduction

- 1.1 Supplementary planning documents are documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.
- 1.2 This updated Supplementary Planning Document 6 (SPD6) was formally adopted by the Council's Cabinet on 11 December 2019 and replaces the previous version that was adopted on 13 January 2010. It has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and supports Policy H2/3 - Extensions and Alterations of the adopted Bury Unitary Development Plan.
- 1.3 This updated SPD6 sets out more detailed guidance for those involved in various types and sizes of extensions and alterations to residential properties, highlighting the key aspects of design and layout that the Council will consider in dealing with this type of planning application.
- 1.4 The SPD will be applied to all relevant applications submitted on or after 13 January 2020.

## 2 Planning Policy and Permitted Development

- 2.1 The advice note provides supplementary guidance to the following Policy for house extensions in the Bury Unitary Development Plan:

### **Policy H2/3 – Extensions and Alterations**

**Applications for house extensions and alterations will be considered with regard to the following factors:**

- a) the size, height, shape, design and external appearance of the proposal;**
- b) the character of the property in question and the surrounding area;**
- c) the amenity of adjacent properties; and**
- d) visibility for pedestrians, cyclists and drivers of motor vehicles.**

### **Justification**

This policy is concerned with ensuring that extensions and alterations to residential properties are of a high standard. Extensions and alterations to dwellings, including garden extensions and garages, can be visually intrusive; restrict daylight, privacy and outlook to neighbouring properties; and unacceptably reduce the available garden area. For all these reasons it is necessary to adopt standards to control the design, form and size of proposed extensions and alterations to ensure that they are sympathetic in nature with the original building and surrounding area. The Council will issue more specific guidance on these matters as necessary.

## **Do You Need to Apply for Planning Permission?**

- 2.2 We welcome people talking to us about their proposals to extend their homes at the earliest opportunity. Most homeowners have certain rights to extend their home without the need for planning permission. These rights are contained in The Town and Country Planning (General Permitted Development) (England) Order 2015 and are referred to as Permitted Development. These permitted development rights have changed over time and their interpretation can be quite complicated. Useful guidance on the

planning process and your permitted development rights is available online from the Planning Portal Website [www.planningportal.co.uk](http://www.planningportal.co.uk).

- 2.3 Should you require formal confirmation that your proposal does not require planning permission, it will be necessary to apply for a Certificate of Lawful Development (section 192 of the Town and Country Planning Act 1990) for which plans are required and a fee is payable.
- 2.4 We are committed to providing an efficient and effective planning service which meets government performance targets for the processing of applications. We recognise the value of pre-application discussions for the efficient handling of subsequent applications. A fee is required for this service further details can be found on our website [www.bury.gov.uk/planning](http://www.bury.gov.uk/planning).

## 3 General Guidance for all Domestic Extensions

3.1 A frequent problem with domestic extensions is when incompatible designs and materials are applied to a proposal, resulting in a poor relationship with the original building or street scene. Therefore, any application for a domestic extension will not normally be permitted unless the proposal:

- **Achieves a high standard of design and complements the original building by reflecting its design, massing, scale and finishing materials. Specific features, such as doors, windows and roof style and eaves, should particularly reflect the dwellings original shape, size, alignment and architectural integrity;**
- **does not have a detrimental impact on the character and appearance of neighbouring properties and general street-scene through poor design, siting or excessive bulk;**
- **does not significantly reduce the amount of daylight or sunlight enjoyed by neighbouring properties;**
- **does not reduce privacy through direct overlooking from windows, balconies or areas of raised decking;**
- **does not significantly reduce the amount of usable amenity space for the property or adjacent property to an unacceptable degree;**
- **has regard to the visibility of pedestrians, cyclists and drivers of vehicles;**
- **respects significant or prominent trees or other natural landscape features. Applicants should be aware that trees may be covered by a Tree Preservation Order or be within a Conservation Area and that the felling or lopping of such trees without the consent of the Local Authority is an offence;**
- **has reasonable regard to safety and security, including helping to design out crime;**
- **has regard to the adequate storage of refuse within the site; and**
- **has regard to energy efficiency and sustainability.**

3.2 Whilst these guidelines seek to provide clarity and consistency, **all proposals will be considered on their individual merits**, and the Council acknowledges that there may be certain circumstances where flexibility in applying some standards will be required.

## Biodiversity

- 3.3 The protection and enhancement of the Country's natural habitats and species is important for all the residents of Bury. The area is rich in its number of Bats, Amphibians, Birds and Mammals, as well as their habitats, which are protected by legislation, both British and European.
- 3.4 It is important that all building works, however small, recognise the impact they may have on these protected species and where ever possible they should provide new habitats to support this diversity.
- 3.5 The Council have specific statutory obligations placed on them to ensure that habitats are protected and it is a valid reason for refusing any householder application if they fail to show that habitats will be protected.
- 3.6 Proposals for extensions and works within the garden areas of homes should have regard to the need to have special provision for protected species, in particular:
- **Bats** - All species of British bats and their roosts - even when unoccupied - are protected by European legislation implemented via the Habitats Regulations 1994 (as amended). Where this species is found to be present a licence issued from Natural England may be required to undertake the works. Natural England guidance is available at <https://www.gov.uk/topic/environmental-management/wildlife-habitat-conservation>.
  - **Birds** - Most species of birds are protected under the Wildlife & Countryside Act 1981 (as amended), and it can be an offence to disturb birds whilst they are nesting. Some species nest almost exclusively in/on buildings - for example swift, house martins, house sparrows and swallows.
- 3.7 Advice can be sought from GMEU and these contact details are at the end of this document.

## Sustainable Design

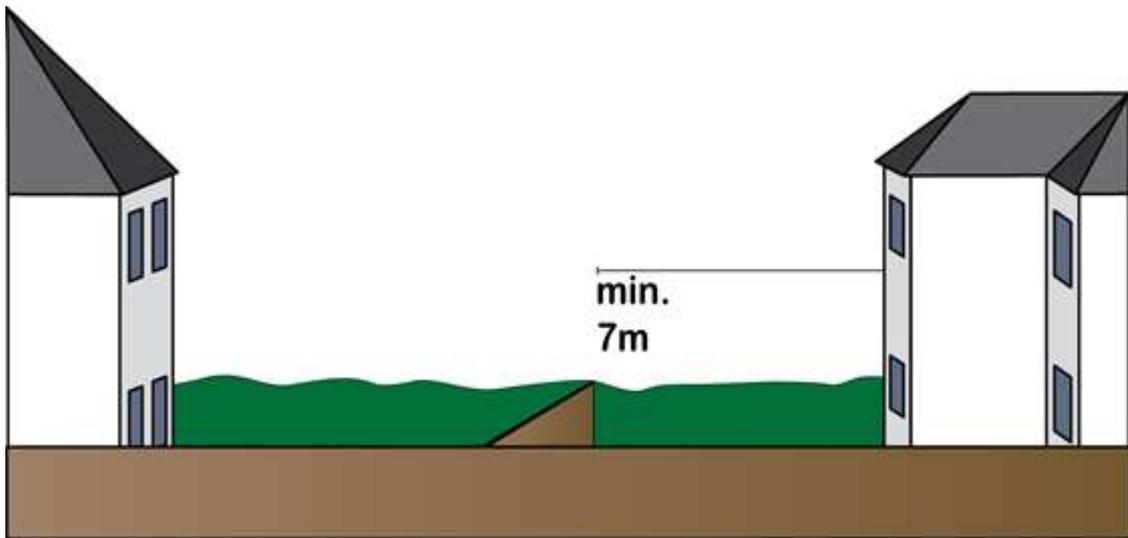
- 3.8 It is important that all alterations to existing properties recognise the need for sustainability and, in particular, the need for all of us to reduce of consumption of carbon.
- 3.9 **Environmental Impact of extensions** - There is a variety of sources of information for how householders can ensure that their designs take account of this need and the Planning Portal has a specific section aimed at this subject. [www.planningportal.co.uk](http://www.planningportal.co.uk) contains a source of information on how homes can generate their own energy and ways that they can save energy.

- 3.10 **Electric Vehicle Charging** – The use of electric vehicles will continue to escalate significantly and undertaking alterations and extensions to a residential property may, depending on the nature of the development, provide an opportunity to incorporate facilities for electric vehicle charging. Opportunities to incorporate this should be fully considered at the design stage.
- 3.11 **Lifetime Homes** – It is important that when extensions to homes are proposed that consideration be given as to how the property will be used in the future. This may be simple measures in terms of ensuring door way widths are sufficient to allow wheel chairs access or providing hand rails on either side of staircases so that older or infirmed people can access the building safely. A wealth of guidance on such measures is available via the Lifetime Homes web site at <http://www.lifetimehomes.org.uk/> and specific guidance for householders is available at <http://www.lifetimehomes.org.uk/pages/how-can-lifetime-homes-help-you.html>.

## **Aspect Standards to Protect Privacy and Residential Amenity**

- 3.12 The separation between aspects of dwellings and new dwellings is an important consideration in maintaining adequate privacy distances and avoiding overbearing relationships. For clarity, measurements are taken from the windows of the original neighbouring dwelling and not extensions. The Council will seek to ensure that:

- **Extensions maintain a minimum distance of 13m between a principal window to a ground floor habitable room (e.g. living rooms and bedrooms) in one property and a two storey blank wall of a neighbouring property;**
- **Extensions maintain a minimum distance of 6.5m between a principal window to a habitable room in one property and a single storey blank wall of a neighbouring property;**
- **Extensions maintain adequate privacy standards by minimising overlooking into adjacent neighbouring properties from new windows, balconies and areas of raised decking. As such there should be a minimum distance of 7m between first floor habitable room windows of any extension and a directly facing boundary with a neighbouring property; and**
- **Extensions sited adjacent or close to a boundary should have a blank side facing the neighbour, obscure glazing, high level, or be screened by a fence or wall that extends above eye level (1.7 metres above floor level) when viewed from within the extension.**



**There should be at least 7m from rear habitable room windows to the rear boundary.**



**Balconies and side windows can reduce privacy.**

3.13 A **principal window** is a window to a habitable room on a main aspect to that property. This would normally be located on the front or rear elevation of the property, or the larger window to the main aspect where more than one window relates to the room.

3.14 A **habitable room** is defined as a room in which a resident would normally expect to have reasonable levels of privacy for relaxation. This normally would be a living room, dining room or bedroom. A kitchen, utility, workroom, or bathroom are not defined as habitable rooms. Less weight will be afforded to habitable room windows located on side elevations.

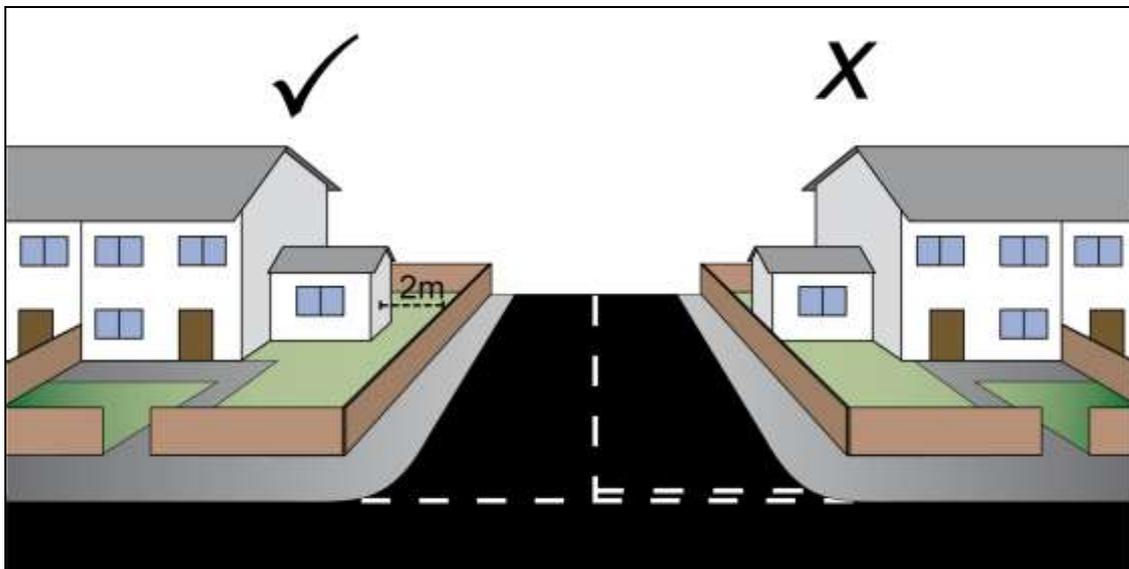
- 3.15 Any assessment will take into account significant change in levels or new accommodation to be provided at a higher storey which may result in, for example, principal windows to single storey extensions having the same effect as a two storey extension. In this regard, there should be an extra 3 metres of separation for each 2.5m or one storey of height or level difference in each of the above cases.
- 3.16 In terraced streets, where the current aspect standards are not available, the existing distances between habitable room windows will be maintained as a minimum on any extensions to existing properties.

## 4 Single-Storey Extensions, Porches and Conservatories

### Side Extensions

4.1 In addition to the advice in Chapter 3, all single-storey side extensions should have regard to the following issues:

- **Single-storey side extensions on corner plots should not normally occupy more than half of the available width of the side area or should normally leave a minimum of 2m from the back of the public highway to the side wall of the proposed extension. However, a lesser set back may be acceptable where the prevailing pattern of development in the locality is typified by relatively shallow frontages; and**
- **Prominent flat roofed side-extensions to properties with a pitched roof will not normally be permitted unless it is considered appropriate in design terms.**

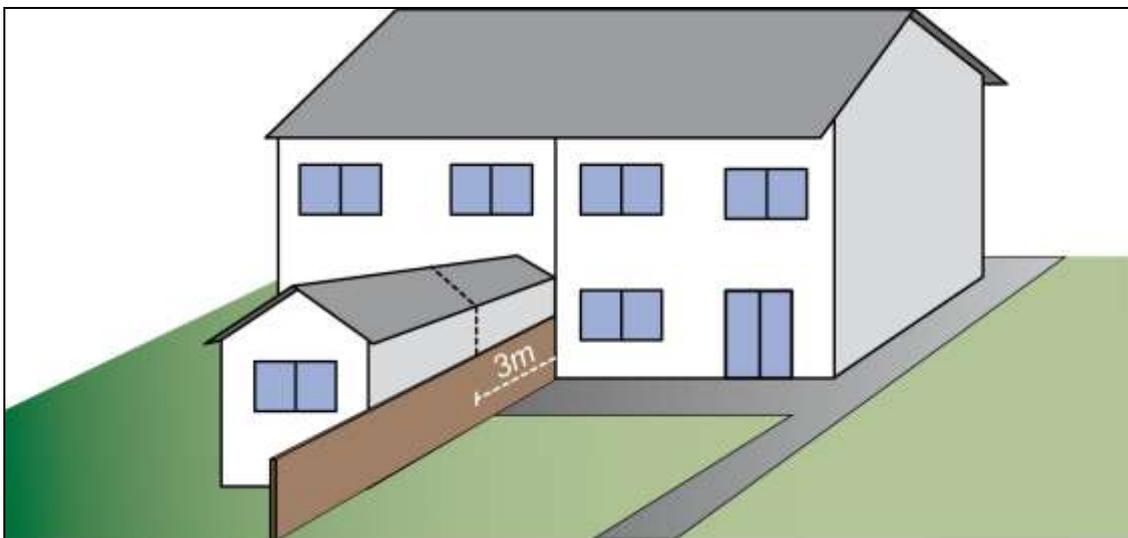


**Side extensions on corner plots should respect the character of the street scene and maintain a gap of at least 2m to the side boundary with the adjacent highway.**

### Single-storey Rear Extensions

4.2 In addition to the advice in Chapter 3, all single-storey rear extensions should have regard to the following issues:

- where the proposed extension would be on or immediately adjacent to the boundary of an attached property, it should not normally project in excess of 3m beyond the rear elevation of that property;
- extensions projecting in excess of 3m will be as assessed against a 45° line from the neighbouring habitable room window as set out in appendix 1; and
- extensions that encroach on the 45° line will not normally be permitted unless it can be demonstrated that the amenity of the neighbours would not be seriously and detrimentally affected by the loss of daylight and sunlight into house and garden space. This would be assessed on:
  - the relationship to a 25° line as set out in 45° line example 2 in appendix 1;
  - the type of roof construction i.e. mono pitched roofs may be inappropriate due to the impact they have on attached neighbours and in these cases twin pitched roofs should be used; and
  - the location of the extension in relation to the orientation of the sun.



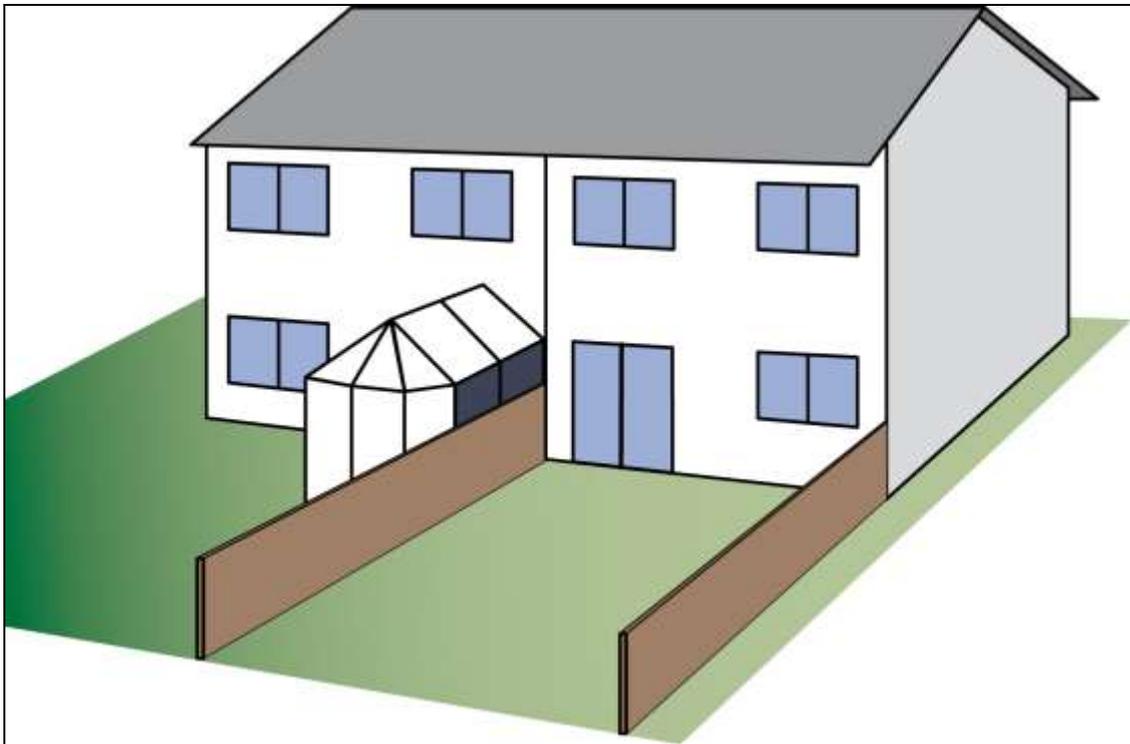
**Single storey rear extensions should not extend out more than 3m where it is adjacent to the neighbours boundary.**

**Note: Permitted Development rights are a material planning consideration and consideration will be given to what can be constructed without the need for planning permission when assessing a proposal.**

## Conservatories

- 4.3 A conservatory is classified as being an extension to a dwelling in planning terms and is, therefore, subject to the same guidance and advice contained in this note. In addition to the advice in Chapter 3 and paragraphs 4.2 above, applications for conservatories will have regard to the following factor:

- **to maintain privacy, where a conservatory is close to a boundary of an adjacent dwelling, sufficient screening should be provided either through the use of obscure glazing, use of a wall/fence/hedge or by making a side of a conservatory wall solid.**

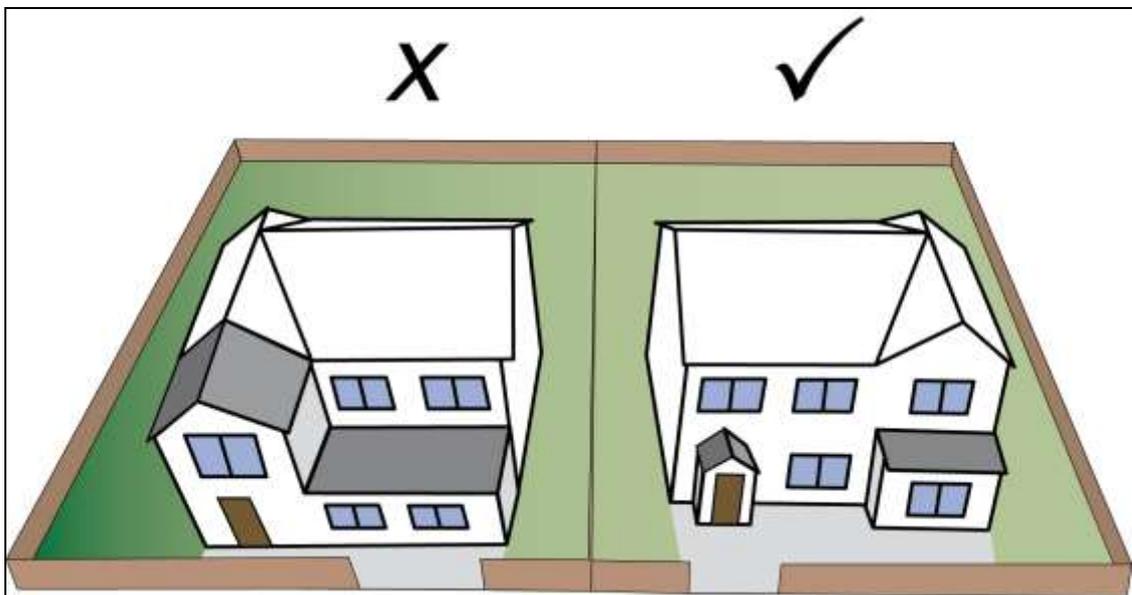


**Conservatory windows on the shared side boundary should be obscure glazed to maintain privacy.**

## Front Extensions and Porches

- 4.4 Generally, there will be a presumption against large extensions at the front of properties due to the need to protect the character of the street scene. However, a small extension or porch may be acceptable and will be considered against the general advice in Chapter 3 and the following specific criteria:

- proposals should reflect the design and proportion of the original dwelling;
- proposals should respect original architectural features such as bay windows and match the existing finishing materials;
- pitched roofs will be required where appropriate;
- extensions will not be permitted if they project excessively from the original front wall;
- extensions will not be permitted if they interfere with the proper parking and access arrangements at the property; and
- consideration of the prevalence of street design.



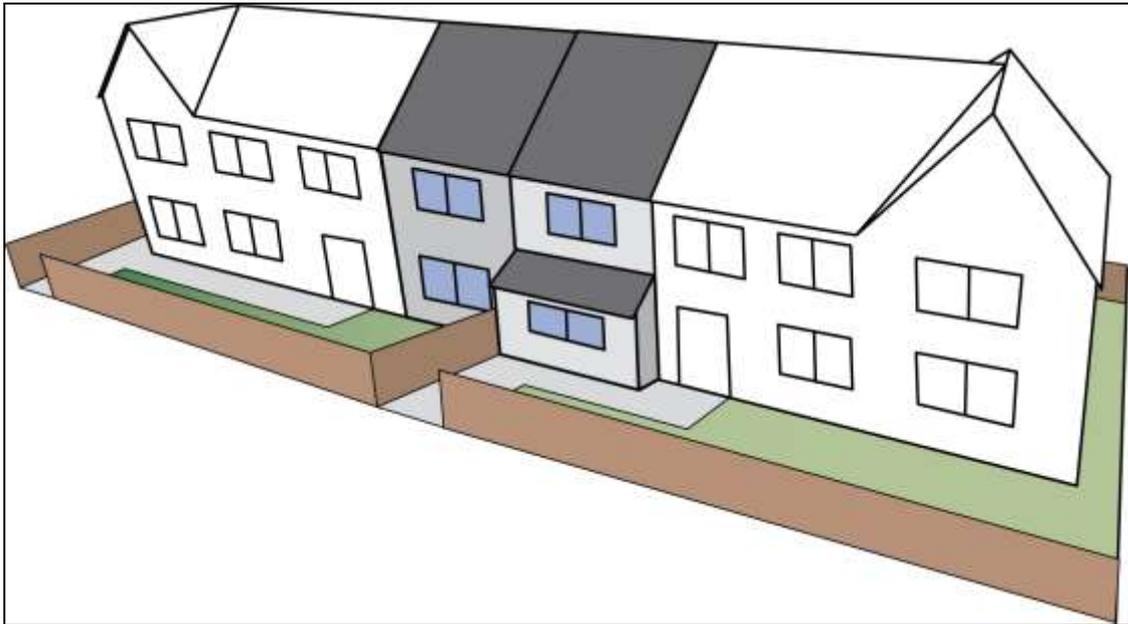
**Front extensions should respect the character of the existing house and general street scene.**

# 5 Two-Storey and First Floor Extensions

## Side Extensions

5.1 In addition to the advice in Chapter 3, all two-storey side extensions should have regard to the following issues:

- **To avoid the appearance of uncharacteristic terracing, the front elevation at first floor level should be set back by at least 1.5m from the main frontage of the original house;**
- **In cases where there would be a gap to the side boundary, a lesser set back would be acceptable where the set back and gap remaining to the boundary total 1.5m, the requirement for a setback at the front may be relaxed in other instances e.g:**
  - **on corner sites;**
  - **on very short rows of houses;**
  - **where a property is adjacent to an area of 'open space';**
  - **where there is a very irregular building line along the street;**
  - **where there are significant ground level differences; and**
  - **where adjacent properties are of significantly different styles (e.g. bungalows next to houses).**
- **Flat roofed extensions will not be permitted unless they reflect the style of the existing property;**
- **On corner plots, extensions will normally be required to occupy not more than half of the available width of the side area or to leave a minimum of 2m from the boundary with the public highway to the side. However, a lesser setback may be acceptable where the site is well screened or where the prevailing pattern of development in the locality is typified by relatively shallow frontages; and**
- **Where properties are staggered, extensions will not normally be permitted where they would encroach beyond a prescribed line that is determined by a 45° angle from the mid-point of an adjacent property's rear principal window to a habitable room (see appendix 1).**



**Inappropriate side extensions that join properties together form a terrace effect which can be harmful to the street scene.**

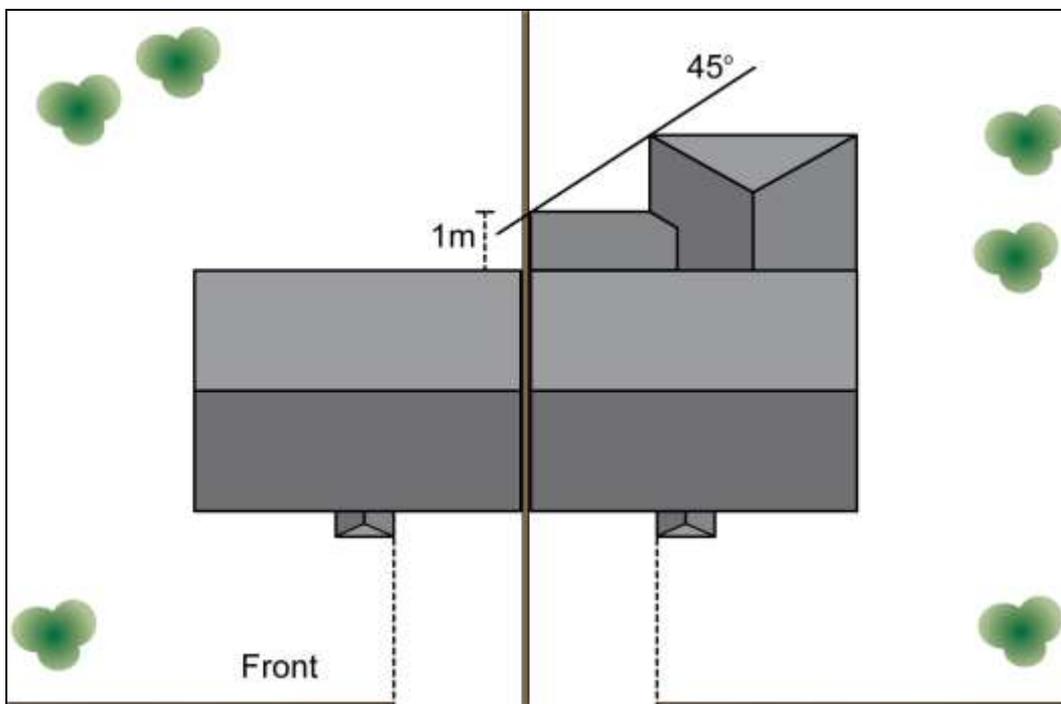


**An appropriate setback from the main elevation can reduce the impact of an extension on the character of the street scene.**

## Two-Storey Rear Extensions

5.2 In addition to the advice in Chapter 3, all two-storey rear extensions should have regard to the following issues, particularly where an adjoining property has not been extended at ground floor:

- where the extension would be on or adjacent to the boundary of another dwelling it should not normally project in excess of 1 metre from the rear wall of the neighbouring property. Beyond the 1 metre point the extension should not encroach beyond a 45° angle taken from the boundary at the 1 metre point (see diagram below);
- for detached properties the 45° line will normally be taken from the mid-point of the closest ground floor habitable room window however consideration will also be given to the impact to any outside amenity space in terms of overshadowing and overbearing development;
- flat roofed extensions will not normally be permitted; and
- side windows to habitable rooms should be avoided to prevent overlooking unless they are high level or obscure glazed.



**Two storey and first floor rear extensions in relation to semi-detached properties.**

## **Extensions to Three-Storey Dwellings or Above and Apartments**

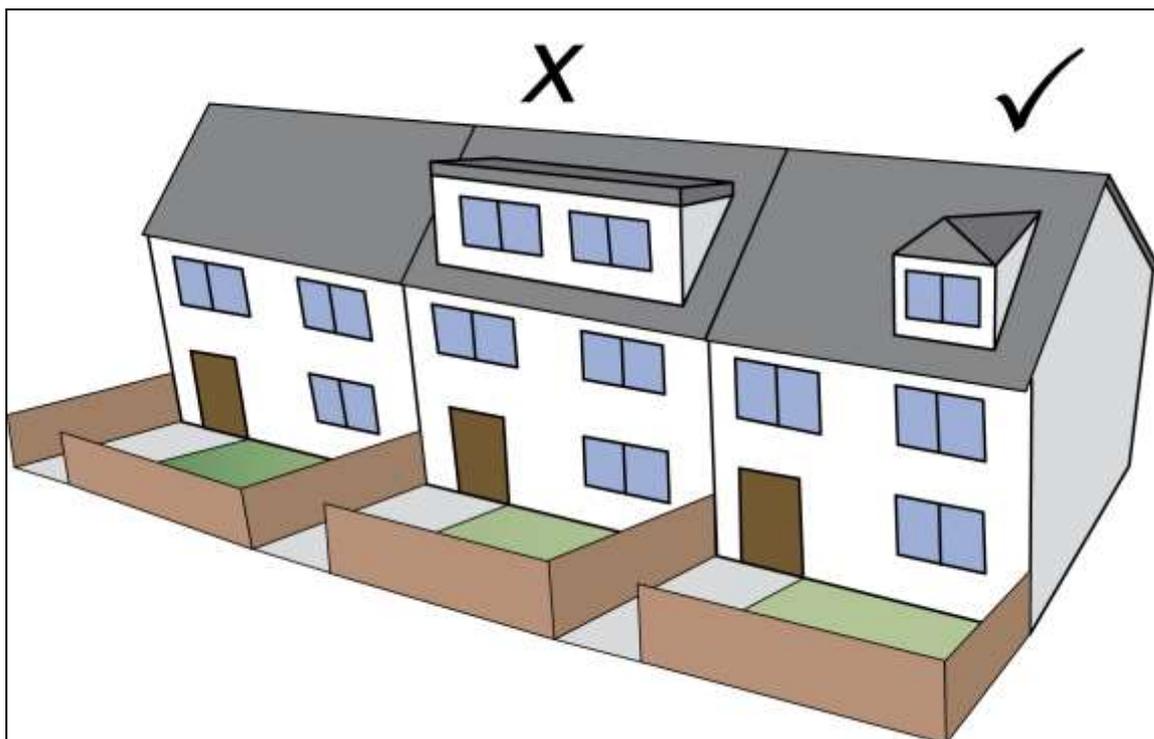
- 5.3 The above guidance concentrates on single-storey and two-storey extensions. Although less common, proposals may come forward for domestic extensions on dwellings with three or more storeys and apartments. The potential for such proposals is increasing with the house-building industry introducing three-storey town houses into their developments to meet density requirements and the demand for apartments is growing with changing demographics and smaller households.
- 5.4 Any proposals for extensions on such properties will be assessed against the general guidance and standards contained in this advice note including the impact on the original property, adjacent properties and the general street scene. Factors such as design, overlooking, overshadowing, materials, scale and outlook will be taken into consideration.

## 6 Dormer and Roof Extensions

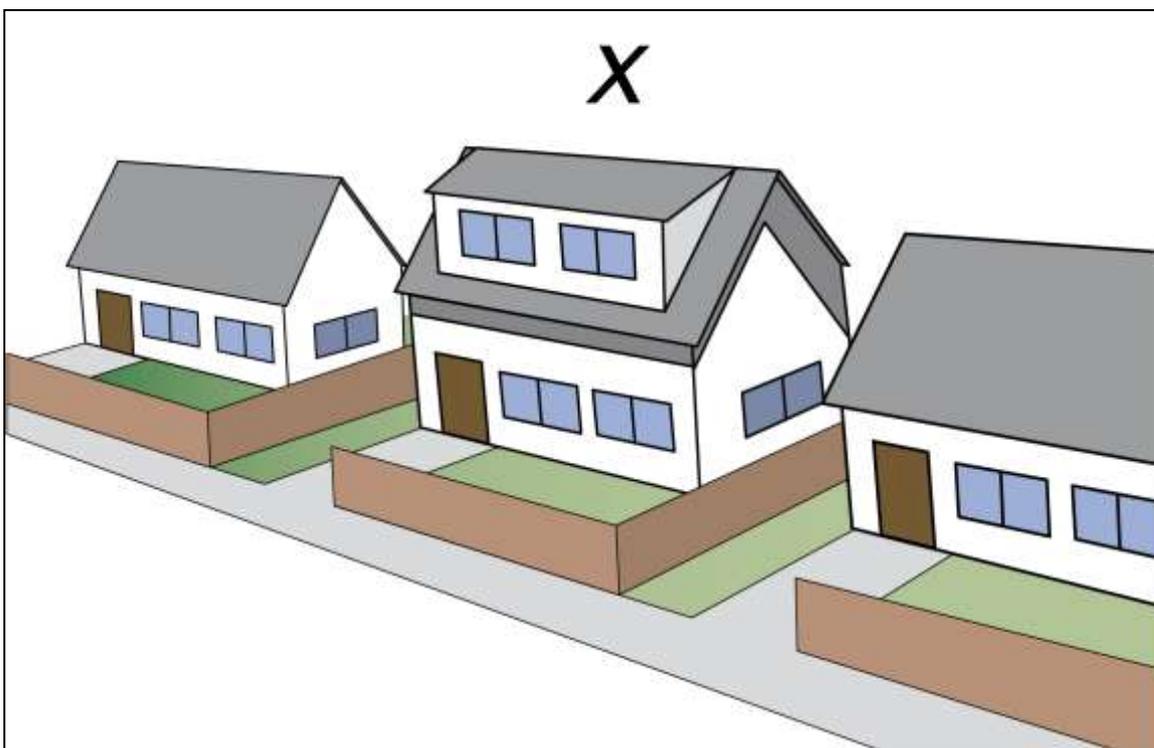
6.1 The Council will seek to ensure that proposals for dormer/roof extensions preserve the character of the street scene, especially where dormers on existing neighbouring properties are absent. Proposals for dormer/roof extensions will be assessed against the following criteria:

- **flat dormer roofs should be avoided, unless considered more appropriate to the particular building or the street scene;**
- **dormers which wrap around the side ridges of a hipped roof are not acceptable;**
- **materials should match the existing roof material, unless considered more appropriate to the particular building or the street scene;**
- **dormers facing a highway should not occupy a disproportionately large portion of the roof. In addition, they should be set in at least 0.5 metres from side/party walls and set back at least 1m behind the main wall;**
- **dormers with pitched roofs should not project above the original ridge line. In all other cases the roof of the dormer should be 0.5 metres or more below the main ridge line;**
- **dormer windows should seek to line up vertically with existing windows and match their style and proportions;**
- **any dormer which results in undue overlooking of a neighbouring property will be unacceptable and dormers will be expected to maintain normal aspect standards;**
- **conversion of existing flat roofs to pitched roofs is generally considered acceptable; and**
- **proposals to increase the height of a house or bungalow by extending the roof can appear incongruous and will be assessed on its impact on the character of the street scene and amenity of neighbours. In these cases a street scene elevation will be required to show the impact of the increased ridge height on the character of the area.**

6.1 Applications for wind turbines, solar panels and other equipment on roofs will be assessed against the general criteria in Chapter 3. Any such equipment should be discretely located on the building and not visually prominent.



**Dormers should respect the character of the existing house and street scape.**

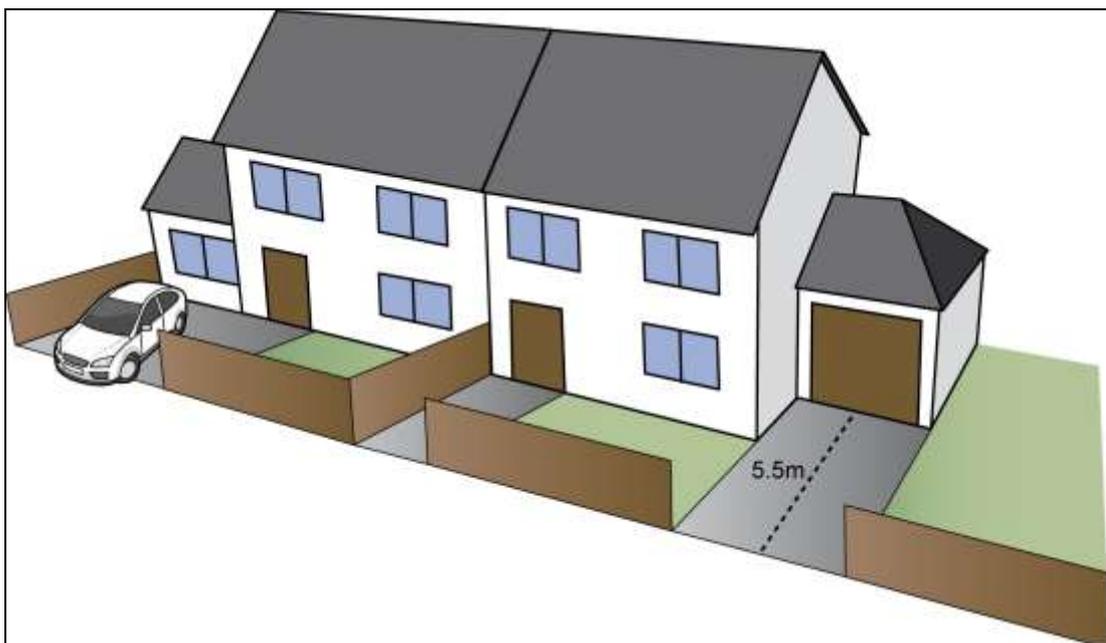


**Raising the roof and/or adding dormers to bungalows can be harmful to visual and residential amenity.**

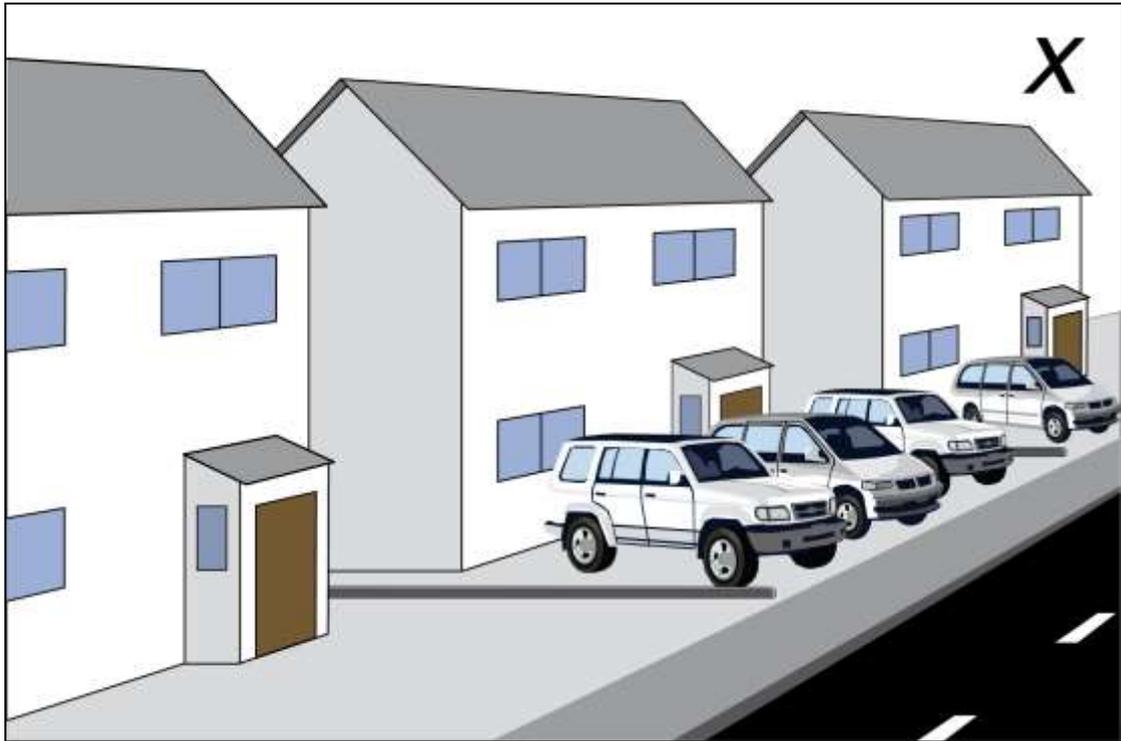
## 7 Garages, Parking and Access

7.1 Extensions and alterations should not result in the loss of existing off-street parking provision unless it can be demonstrated that alternative provision can be made elsewhere within the domestic curtilage, without causing detriment to amenity or highway safety. In particular, the Council will consider the following:

- **All proposals should ensure that there is sufficient space to accommodate adequate parking spaces in relation to the number of bedrooms that the proposed extension would create. These parking spaces should be provided safely within the curtilage of the site. Supplementary Planning Document 11 – Parking Standards gives advice on the number of parking spaces required for residential developments. Applicants will need to provide justification for the loss of any existing parking.**
- **The driveway in front of a garage should be a minimum length of 5.5m to allow space to park and open the garage door. A minimum driveway length of 5m is required in most other cases.**
- **All new access points and parking areas will allow for adequate pedestrian and vehicular visibility splays.**
- **All new parking areas and driveways should be constructed of porous or permeable materials or allow rainwater run-off to an adjacent lawn or border.**



**Extensions should not restrict on-site parking.**

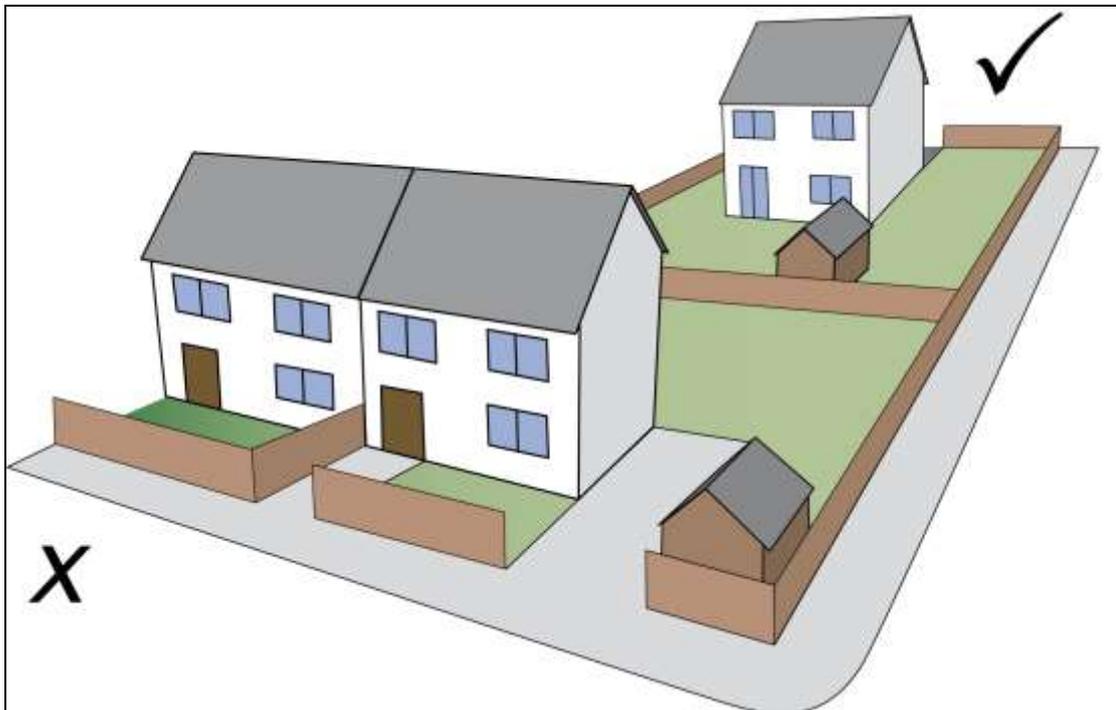


**Paving over front gardens for parking can be harmful to the character of the street scene.**

## 8 Gardens, Garden Structures and Fencing

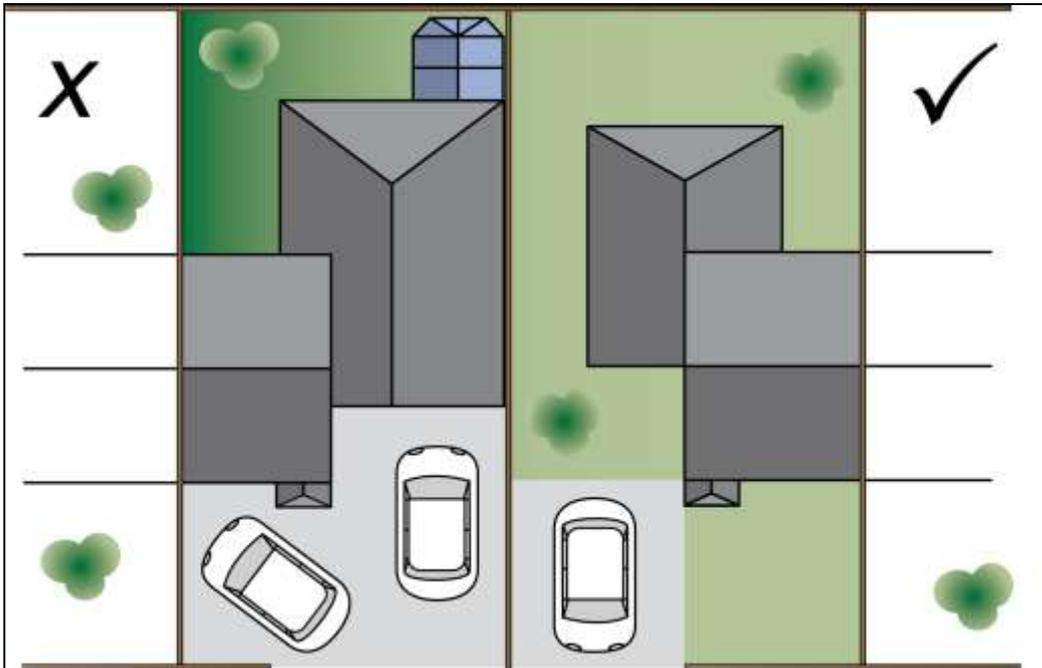
8.1 Where planning permission is required for alterations to gardens or for the erection of structures e.g summerhouses, sheds or decking, in addition to criteria within Chapter 3, proposals will be assessed with regard to the following issues:

- **Outbuildings will not normally be allowed to the front of domestic properties or on the side of corner plots unless there is sufficient screening;**
- **Outbuildings should be in proportion to the existing dwelling;**
- **Areas of hard surfacing shall normally be required to be constructed of porous or permeable materials or allow rainwater run-off to be directed towards an adjacent lawn or border to drain naturally within the curtilage.**
- **Boundary enclosures such as walls, fencing and railings shall respect the character of the street scene;**
- **Areas of decking should not result in undue direct overlooking into neighbouring property; and**
- **Structures such as domestic wind turbines shall be positioned to minimise any detriment to visual or residential amenity.**



**Garden structures such as sheds should not be located in prominent positions within the site.**

- 8.2 The Council is keen to ensure that enough private garden space is left after any extensions in order to avoid over-development of the site and protect neighbouring amenity.



**Proposals should retain adequate private amenity space.**

- 8.3 Not only can the development of hardstanding at the front of properties harm the street scene, it can increase the risk of flooding. Therefore, proposals should seek to retain front garden space and boundary features such as original walls or landscaping where possible which improves the quality of the streetscapes and absorbs excess rainwater run-off.
- 8.4 Proposals for new or replacement fences, walls or other means of enclosure will be considered in terms of their impact on the character of the locality, residential amenity and highway safety.

## 9 Supplementary Family Annexes

9.1 Proposals to build a supplementary family annexe will be considered on the individual merits of each scheme, having regard to the general advice contained within this guidance note. In addition, annexes should:

- **normally be physically connected to the main property with a direct interior link;**
- **remain ancillary to the original dwelling at all times;**
- **not have separate vehicular access;**
- **only have one bedroom; and**
- **be appropriate in scale and position in relation to the plot and original dwelling.**

## 10 Other Considerations

- 10.1 In addition to the general principles and detailed guidelines, applicants should also take account of the following issues:

### Conservation Areas, Listed Buildings and non-designated Heritage Assets

- 10.2 In addition to normal planning permission, Listed Building Consent is normally required for any proposed alterations to a Listed Building. A statement of significance will also be required.
- 10.3 The key aim within Conservation Areas is to ensure that local character is strengthened, not diminished, by change. If your house is in a Conservation Area (or alterations will affect a Listed Building's setting) your application should be accompanied by a 'Design and Access Statement'. Within the statement, special regard should be given to matters such as scale, massing, detailed design and quality of materials and how the proposal preserves or enhances the character and appearance of the Conservation Area. It is recommended that pre-application advice is sought on these matters - please see the following link for further details and fees <https://www.bury.gov.uk/index.aspx?articleid=10762>
- 10.4 The National Planning Policy Framework also requires Local Planning Authorities to take into consideration the impact of proposals on non-designated heritage assets. In assessing applications that directly, or indirectly affected non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As such, a Heritage Assessment should be submitted for any buildings that are considered to contribute to the local historic environment, but have not been listed.

### Planning Conditions

- 10.5 It is not unusual that planning approval is given subject to conditions which may require the submission of further information prior to commencement of works. For example, it is often a requirement that the applicant submit details of finishing materials for approval prior to work commencing. A charge will apply for the discharge of conditions. Work should not be started before conditions are fully complied with.

### Building Regulations

- 10.6 In addition to planning permission (and in some cases where planning permission is not required), most structural alterations or extensions to

dwellings will require **Building Regulations Approval**. Advice on this issue can be obtained from the Council's Building Control Section and on the Council's web site [www.bury.gov.uk](http://www.bury.gov.uk).

## Ownership, Party Wall Act and Neighbours

- 10.7 Planning permission does not bestow a right to build. Consent of the landowner will be required. Consent of neighbours will also be required if any part of the extension encroaches on, over or near boundaries or party walls. In such cases, provisions within the Party Wall Act needs to be addressed. Specific clauses within the deeds of a property may also need to be considered. If a proposal encroaches onto neighbouring land, including foundations and overhanging of gutters, an applicant must serve notice on the owner and provide a Certificate B with any planning application to confirm that this has been done. Copies of the relevant certificates and notices can be obtained from the planning department or its web site. The service of notice is a notification procedure only and does not imply that the grant of planning permission would also grant a legal right to encroach onto land that is not within the ownership of the applicant.
- 10.8 The Council will notify your neighbours of any planning application and it is advised that you consult with your neighbours yourself before submitting a planning application.

## Sewers and Services

- 10.9 If your extension will be over or near to any sewers or other services, you will probably need the consent of the service operator. This is your responsibility.

## Green Belt

- 10.10 Large areas of the Borough are designated as Green Belt and proposals for domestic extensions in such areas will be strictly controlled to ensure that proposals do not impact on the basic character and appearance of the Green Belt. Proposals for domestic extensions in the Green Belt should not normally exceed a third of the volume of the original dwelling. However every application is assessed on its own merits. A statement of Very Special Circumstances will be required if the extension is considered to be materially larger than the original building. Large parts of the Green Belt are also covered by Special Landscaped Areas and the West Pennine Moors and the Council will expect particularly high quality designs and materials in such locations.

## Special Needs of Disabled Persons

- 10.11 Where there is appropriate justification (set out in an Access Statement) and confirmation that the alterations are needed by an appropriately qualified person, the Council will allow exceptions to the above criteria in cases where proposals are specifically for disabled people who require particular adaptations to their homes. In these instances applications for planning permission will be free of charge.

## Refuse storage

- 10.12 Recycling of refuse now requires householders to keep a number of bins and containers which can be unsightly if not screened or kept out of sight. Extensions and alterations should therefore take account of refuse storage where appropriate.

## Flood Risk

- 10.13 The National Planning Policy Framework states that a site specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. Householder development should not be subject to the sequential or exception tests but should still meet the requirements for flood risk assessment. Further advice on flood risk assessments for minor extensions can be found at <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#advice-for-minor-extensions>.

## Contaminated Land

- 10.14 Occasionally there may be a need to undertake a preliminary risk assessment to determine whether the ground on which the extension is to be built is contaminated. For example, this can occur when the site has been used for industrial purposes, or if the site is in the vicinity of a landfill site or filled ground. Where the original house has existing ground gas protection measures incorporated into the foundations, any extension will be required to have similar protection measures. If you suspect an assessment or protection measures are required, please contact the Council's Environmental Health section – details in Chapter 11.

## Enforcement

- 10.15 If planning permission is granted, that permission only relates to the approved plans and development must be carried out entirely in accordance with those approved plans and any conditions imposed on the planning permission. If the extension is not built in strict accordance with the approved plans, or if any of the conditions of the planning permission are not complied with, that would constitute a breach of planning control

and the development will be unauthorised. Under such circumstances, the Council has the right to take enforcement action to secure satisfactory compliance with the planning permission.

10.16 The main objectives of planning enforcement are:

- To promote compliance with planning requirements;
- To remedy the undesirable effects of unauthorised development;
- To bring unauthorised activity under control to maintain the credibility and achieve the purpose of the planning system; and
- To strike an acceptable balance between protecting the amenity of citizens and other interests of acknowledged importance, and allowing development to take place.

10.17 In deciding whether or not to take enforcement action, the Council must consider if it is appropriate or expedient to do so. It must consider whether the breach of planning control unacceptably affects public amenity or safety, or the existing use of land or buildings merit protection in the public interest. This means that a judgement has to be made in each case as to the seriousness of the breach and the level of any harm that it causes.

10.18 If you do not build your extension in accordance with the approved plans and relevant conditions you could be subject to enforcement action which could require you to, at least, make alterations, and possibly to carry out more extensive remedial works including demolition.

10.19 Even where the Council decides that enforcement action is not appropriate, you should be aware that the development would remain unauthorised and this could cause you future problems, for example, if you wanted to sell the property, because any prospective purchaser's solicitor would want to see evidence that any works carried out to the property were authorised.

## **Ethnic Considerations**

10.20 Where there are special needs for religious observance or family living circumstances i.e. succahs and extended families, consideration shall be given, on an individual basis, to the relaxation of this guidance where it can be clearly demonstrated that there will be no direct harm to the principles outlined in Chapter 2.

## **Demolition**

10.21 Certain types of demolition must legally be licenced and advice can be given by contacting our Building Control Section (detains can be found in Chapter 11).

# 11 Further Advice and Contacts

## **Development Management Team**

Email: [development.control@bury.gov.uk](mailto:development.control@bury.gov.uk)

Phone: 0161 253 5432

Web: <http://www.bury.gov.uk/planning>

## **Highways**

Email: [p.holmes@bury.gov.uk](mailto:p.holmes@bury.gov.uk)

Phone: 0161 253 5788

## **Environmental Services**

Email: [envsection@bury.gov.uk](mailto:envsection@bury.gov.uk)

Phone: 0161 253 5581 and 0161 253 6392

Web: <https://www.bury.gov.uk/index.aspx?articled=11645>

## **Environment Agency**

Email: [pl.birchwood@environment-agency.gov.uk](mailto:pl.birchwood@environment-agency.gov.uk)

Phone: 03708 506506

Web: <https://www.gov.uk/government/organisations/environment-agency>

## **GMP designforsecurity**

Email: [info@designforsecurity.org](mailto:info@designforsecurity.org)

Phone: 0161 856 5912

Web: <http://www.designforsecurity.org>

## **Greater Manchester Ecology Unit**

<https://www.tameside.gov.uk/ecologyunit>

## **Tree Preservation Orders and protected trees**

Please refer to [www.bury.gov.uk](http://www.bury.gov.uk) Tree Protection

## **Building Control**

Email: [building.control@bury.gov.uk](mailto:building.control@bury.gov.uk)

Phone: 0161 253 5313

Web: <https://www.bury.gov.uk/buildingcontrol>

## **Planning Portal – general information and submit applications**

Web: <http://www.planningportal.co.uk>

## **Planning Inspectorate - Appeals**

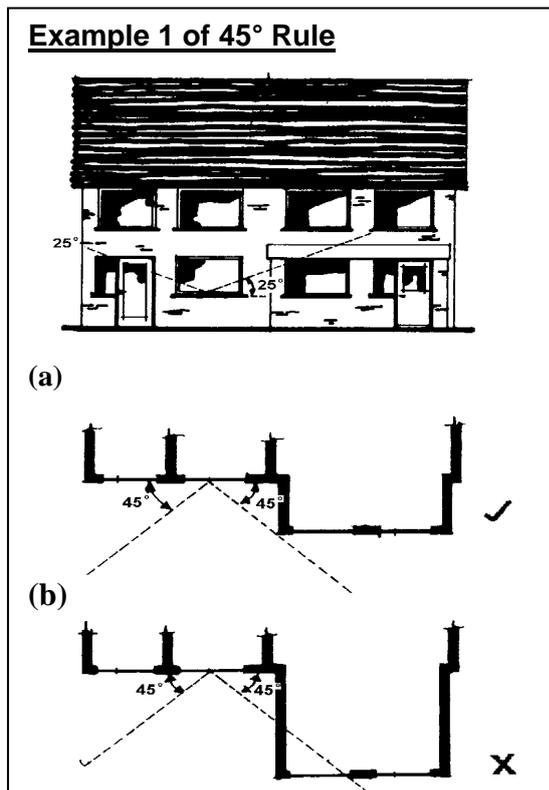
Web: <https://www.planningportal.co.uk/info/200207/appeals>

## Appendix 1 - The 45° Rule

The 45° rule is designed to ensure that proposals for extensions do not have detrimental impact on a neighbouring properties right to daylight and sunlight, by avoiding unacceptable levels of overshadowing.

It is devised from the mid-point of the cill of a principal window (or 1200mm height for patio doors), where two lines at 45° are measured. In the case of a conservatory the point for setting the 45° angle would be the central point of the glazing on the rear elevation. The plane connecting the two lines is then tilted to an angle of 25° above this rising plane. Proposals that encroach across these lines may be deemed to have an unacceptable impact on overshadowing and may not be permitted. The restriction will operate for a distance of 12 metres along the 45° line.

The two diagrams below illustrate how the 45° rule would operate in practice.

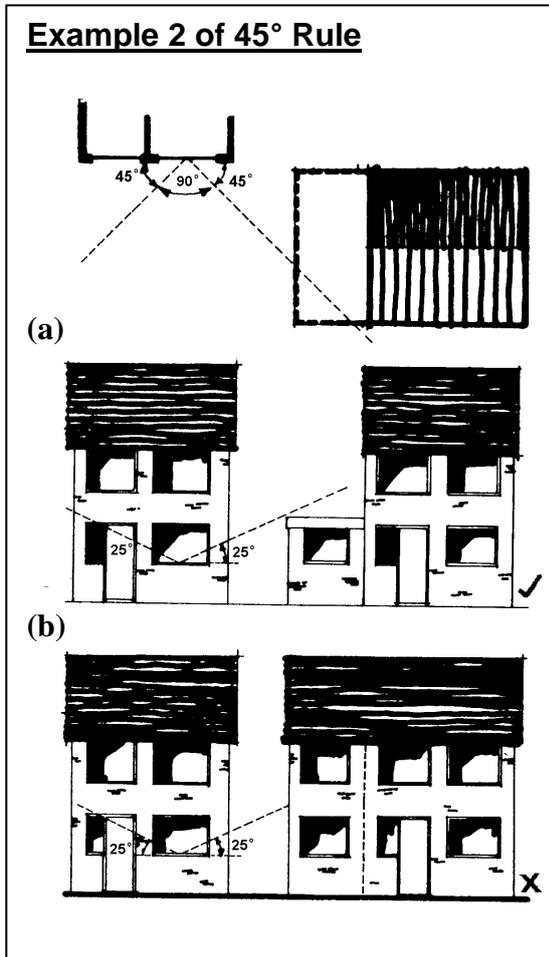


In the first example, the single storey extension shown would be acceptable if its depth is limited as shown on plan (a). However, if it extends further as shown in plan (b) it becomes unacceptable.

The second example is applicable if the dwellings are staggered. The extension shown on the plan encroaches across the 45° line. However, if the extension is single storey and below the 25° line (elevation (a)) then it would be in

accordance with the 45° rule. However, if the proposal is two storey and it encroaches on the 25° line (elevation (b)) it becomes unacceptable.

It should be noted that it is the height of the wall that is taken as being the critical measurement, not the roof or any part of it.



## Appendix 2 – Details Required for Planning Applications

- 1 **Householder application form** apply online at [www.planningportal.co.uk](http://www.planningportal.co.uk) or provide 2 copies – fully completed and signed.
- 2 The correct **Certificate of Ownership** required by law in order to identify anyone who has an interest in the land.
  - Certificate A if you own the land (on the back of the application form).
  - Complete the Agricultural Holdings and tenancy statement (ie. cross out 2a or 2b as appropriate).
  - Certificate B if you are not the landowner or if development will involve encroachment on to or over neighbouring land.
  - Contact the Department if other ownership is involved and Certificates C or D are needed.
- 3 **A covering letter** with any other relevant information in support of your application.
- 4 **The correct fee.** A list of fees is available at [www.bury.gov.uk/planning](http://www.bury.gov.uk/planning) or contact 0161 253 5432.
- 5 **Plans and drawings.**

The plans and drawings are a very important part of any application and are needed so that not only the Council understands the proposal but also any persons consulted, including your neighbours.

The plans need to show more than just your property or what you want to do. This is because the decision to approve the plans may depend on how your proposal affects surrounding properties and, therefore, the following will be required:

- a) **An Ordnance Survey based location plan** at a scale of 1:1250 with the application site boundaries edged with a red line and any other land you own edged with a blue line. This location plan should show:
  - at least two (if practicable) named roads;
  - surrounding buildings; and
  - the direction of north.

- b) Accurate scaled drawings showing **the existing and proposed site layout** at a scale of no less than 1:200. This should include:
- all buildings and structures, gardens, walls, hedges and fences, open spaces and car parking at your property; and
  - adjacent houses and buildings, including the location of any windows.
- c) Accurate scaled drawings showing **the existing and proposed elevations** at a scale of not less than 1:100 and with any dimensions shown in metric measurements.
- d) The drawings of both existing and proposed situations should give details of:
- Site layout – showing the site boundaries, access to the highway, other physical features including trees, adjacent properties and the position of habitable room windows.
  - Floor plans.
  - Elevations.
  - Roof plans as necessary.
  - Drawings should show the **whole** of the property.
  - For electronically produced plans pdfs are the required format. The maximum size of a paper drawing should be A3.
- e) **Photographs** are helpful and are useful in understanding the proposals.
- 6 The following information may also be needed to validate your application. If in doubt you should check with us on 0161-253-5432:
- **Existing and proposed sections** at a scale of not less than 1:100;
  - Where there is a difference in levels these should be shown on an **elevational plan**;
  - **A Supporting Planning Statement** to describe the proposals and a **Design Statement** discussing the chosen design solution including the details of proposed materials to be used for walls, roof, windows, doors, hardstanding and boundary treatments such as walls, fences and hedges;
  - Details of **any new or altered access** to any public highway accessway or public right of way;

- **A flood risk assessment** in locations subject to flooding;
  - **A tree survey** if any trees are to be removed, lopped or topped; and
  - **Possible contamination.** Details of any works that need to be carried out as part of the proposed development to prevent any risk from land contamination e.g. gas protection membranes (to prevent ingress of landfill gas or other gases) and garden cover systems (to prevent contact with contaminated soils).
- 7 All sections **MUST** be answered for an application to be valid. If you are in any doubt about the information you are submitting please e-mail the Development Management section on [development.control@bury.gov.uk](mailto:development.control@bury.gov.uk) or phone 0161-253 5432.
- 8 **Validation** checklists are available at [www.bury.gov.uk/planning](http://www.bury.gov.uk/planning).