

Ward: Radcliffe - North and Ainsworth

Item 01

Applicant: Mr Saeed Postchi

Location: 22 Cockey Moor Road, Bury, BL8 2HB

Proposal: Amendments to dwelling, approved under application 68038 including amended elevations and roof.

Application Ref: 72692/Full

Target Date: 09/04/2026

Recommendation: Approve with Conditions

Description

The application relates to a residential plot on a residential row of houses on the north side of Cockey Moor Road. The residential properties along the road are mixed in size, style and finish with large garden areas front and back and form a well established ribbon development linking the west side of Bury with Ainsworth village. The site is 'washed over' by the Green Belt and the West Pennine Moors and has open countryside to the north, beyond the rear garden boundary. To the west side is a bungalow with an extension at the rear. To the east side is a two storey, red brick house with a hipped roof. Across Cockey Moor Road, to the south, are two storey detached houses.

The latest application proposes an alteration to the plan approved under reference 68038 in April 2022. Since this approval, there have been two refusals for variations to the scheme, in 2023 and 2025.

The current alteration mainly involves the rear section of the roof and first and second floors, also at the rear.

- The main roof would be amended from its current unauthorised height (9.65m), reducing the main ridge height to 8.2m, taking it slightly below the approved height of 8.36m.
- The revised two storey outrigger on the rear elevation would project out 3m at ground and first floor levels as compared to the approved plan which indicates a projection of 3m at ground and 2.5m at first floor.
- The revised pitch of the main roof (front to rear) would be retained at the existing 37 degrees (approx). This is steeper than the approved pitch of 28 degrees (main roof) and 25 degrees (rear outrigger). The pitch of the roof (side to side) would be retained at approx 37 degrees, similar to that approved previously.
- The single storey elements either side of the two storey rear outrigger would be flat roofed as opposed to the previously approved pitched roofs.
- Alterations to front porch to create a flat roof design as opposed to a pitched roof.
- Alterations to windows on all elevations.
- The site plan indicates that the boundary fencing to side/rear would be a maximum permitted development height of 2m.

It should be noted that the alterations are compared to the approved scheme and not the 'as built', unauthorised dwelling.

Relevant Planning History

57756 - Demolition of existing bungalow and erection of 2 storey replacement dwelling with additional living accommodation in roofspace - Refused 07/10/2014

58590 - Demolition of existing bungalow and erection of 2 storey replacement dwelling

(resubmission) - Approved with Conditions 03/06/2015
67322 - Erection of detached dwelling - Refused 10/01/2022
68038 - Erection of detached dwelling - Approved with Conditions 28/04/2022
69189 - Variation of condition no. 1 (approved plans) of planning permission 68038 for erection of detached dwelling: Increase the size and height of the second floor and External alterations - Refused 08/02/2023
Enforcement appeal dismissed by Planning Inspectorate 24/06/2025.
71634 - Variation of condition no. 1 (approved plans) of p/p 68038: Reduction of roof height and the roof to revert back to a hip - Refused 27/03/2025

It is noted that following the dismissal of the enforcement notice appeal, a date is set for the hearing in the Manchester Magistrates Court for the non-compliance of the notice. This is 25th June 2026.

Publicity

Immediate neighbours notified by letter dated 13/02/2026. Five objections have been received and are summarised below:

- This represents a clear attempt to bypass the Planning Inspectorate's June 2024 decision.
- The applicant has a consistent record of non-compliance, having failed to follow the approved plans (68038) and disregarded an enforcement notice that expired in June 2025. Since 2022, they have repeatedly submitted retrospective applications and appeals while continuing unauthorised works. This latest proposal still does not return the property to the 2022 approved design and appears to be a delaying tactic intended to stall ongoing prosecution by the Council's litigation team.
- Allowing this ongoing cycle of applications undermines the integrity of the planning process, sets a concerning precedent, and effectively rewards persistent non-compliance. This four-year saga has caused significant stress and negatively impacted neighbour's wellbeing.
- The Council should uphold the Inspectorate's ruling and refuse this continued deviation from the approved plans.
- The design of the revised house scheme would still be bigger than that approved and as such should be refused.
- The design is poor and unbalanced maintains its dominance with regard to neighbours on either side and within the streetscape.
- Increases overlooking to neighbours at side.
- The new fence to the side is too high (2.6m)
- The revised plan to retain the flat roof would increase to likelihood of a balcony being formed and increase overlooking.

Those making representations have been notified of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

OL7/2 West Pennine Moors
OL1/2 New Buildings in the Green Belt
OL1/3 Infilling in Existing Villages in the Green Belt
EN1/2 Townscape and Built Design

EN7	Pollution Control
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury
EN5/1	New Development and Flood Risk
EN7/5	Waste Water Management
EN4	Energy Conservation
JP-P1	Sustainable Places
JP-G1	Landscape Character
JP-H3	Type, Size and Design of New Housing

Issues and Analysis

Background History - Approval, Refusals, Appeal decision and enforcement - The problems with this site began after the existing bungalow was demolished in 2014/15. After remaining vacant for a number of years, following an initial refusal of permission, planning approval was granted in 2022 for the erection of a two storey dwellinghouse (68038). The approved plans can be seen, along with the proposed plans, at the end of this report.

The house as approved under reference 68038, was not constructed in accordance with the approved plans. Changes were significant, particularly with regard to the overall height and the additional roof volume at the rear. The 'as built' plans can be viewed at the end of this report. A subsequent application was then submitted in 2023 to try to regularise matters. This 'variation' application was refused and the enforcement appeal dismissed with the inspector ruling that the 'as built' works were unacceptable.

A further attempt to regularise the development via an amended plan was submitted in 2025 and, whilst reducing the scale back from the previous proposal, this was deemed unacceptable and refused.

This latest proposal is a further attempt to regularise the development.

It is noted that following the dismissal of the enforcement notice appeal, a date is set for the hearing in the Manchester Magistrates Court for the non-compliance of the notice. This is 25th June 2026. This is a separate process. Applicants have the right to apply for planning permission and each application has to be treated on their own merits. Where identical schemes are submitted, the Local Planning Authority can refuse to determine them. The changes in each case rested upon whether they sufficiently presented a supportable, albeit different schemes. Those were duly dealt with. The current application equally requires its own decision to be made.

Green Belt - The National Planning Policy Framework indicates that new development in the green belt should not have a detrimental impact on the character and openness of the Green Belt. New dwellings should not be disproportionately larger than the one it is replacing.

UDP Policy OL1/2 New Buildings in the Green Belt reflects the NPPF in stating that replacement dwellings are acceptable where they are not disproportionate in scale to, or materially larger than, the original dwelling. Where new development is deemed to be inappropriate in that it would have a detrimental impact on the openness of the Green Belt, the development would need to be justified under 'Very Special Circumstances (VSC)'.

Policy OL1/3 indicates that infill development would be acceptable where there is unbroken ribbon development and the new development would not prejudice Green Belt objectives.

Supplementary guidance in SPD8 New Buildings and Associated Development in the Green Belt supports Green Belt policies and indicates that where a replacement dwelling is proposed the new dwelling should reflect the original dwelling in terms of massing, siting and area of footprint, height and should not be materially larger than the one it replaces. A new dwelling that is disproportionately larger or differs materially in position or footprint to the existing house would only be permitted in 'Very Special Circumstances' and only after the applicant has demonstrated why, in these circumstances, permission should be granted.

The site lies within the green belt but is clearly situated within a ribbon of development between Bury and Ainsworth. The issues with regard to the replacement house, as approved in 2022 were dealt with and considered appropriate and policy compliant. Given that the replacement house was considered appropriate, the latest amendments should effectively be assessed as extensions/alterations to that house in the light of green belt policy and guidance.

The critical issue is whether the alterations, over and above the approved scheme, result in a dwelling that appears disproportionate and as a result, would have a detrimental impact on the character and openness of the Green Belt.

With regard to the impact of the development on the openness of the Green Belt in this particular area, whilst the amended design results in a larger property than that approved previously, the alterations are relatively modest in scale and would not be considered so significant as to have a seriously detrimental impact on the openness and character of the green belt, particularly within the established ribbon of housing along Cockey Moor Road. The proposal is, on balance, therefore compliant with Green Belt policy and guidance.

Design and appearance - The flat roof, single storey porch on the front elevation sits relatively comfortably on the front elevation and would not be incongruous within the streetscape. As such the porch is considered to be acceptable.

Whilst reducing the main ridge height to something similar to what was previously approved, it remains that the new roof would have a different silhouette, with a slightly steeper pitch, front to back. Although with a steeper pitch the roof would not now appear (with the reduction in height to below that of the originally approved scheme) so dominant within the streetscape as to warrant refusal. It is noted that along this part of Cockey Moor Road, there a number of different house styles with mix of roof designs and this proposal is a further variance within that streetscape.

In terms of visual amenity and streetscape, the proposed scheme is considered to be acceptable and complies with UDP Policies EN1/2 Townscape and Built Design, H2/1 and H2/1 relating to the form and layout of new residential development and H2/3 and guidance in SPD6 relating to extensions and alterations.

Residential Amenity - The neighbouring house at No.20 has a ground floor door and hallway window with first floor stairwell and WC windows facing across the side boundary. The bungalow at No.24 has a ground floor secondary side kitchen window and a first floor obscure glazed bathroom window facing the site. In terms of residential amenity, the non-habitable/ secondary windows on the neighbours cannot be afforded significant weight in any assessment as set out within SPD6 adopted policy .

The proposed amended dwelling has two first floor obscure glazed narrow windows facing

the neighbours on either side. On the side/west elevation there is a similar styled obscure glazed narrow window and a door. Given the nature of the windows and the already installed obscure glazing, there would be no direct overlooking of neighbours on either side. The habitable room windows on the front and rear elevations would not result significant overlooking beyond what would reasonably be expected in a residential setting. Nor would their outlook be any different to other properties where the outlook is directly over their own land. The flat roofs over the single storey elements either side of the two storey rear outrigger would be subject to a condition preventing their use as balconies and the rear windows with 1100mm sills would ensure any access would be for emergency purposes only.

In terms of the impact of the single and two storey elements extending beyond the rear elevations of the neighbouring properties on either side, the Council's adopted guidance in SPD6 Alterations and Extensions suggests that two storey extensions should not encroach on a 45 degree line measured from a point on the boundary, 1m beyond the neighbours rear elevation. In terms of the single storey elements, these should not encroach beyond a 45 degree line measured from habitable room windows on neighbours properties. The revised plans indicate that the proposal satisfy this guidance. It is also noted that No.20 Cockey Moor Road has driveway down the side boundary and a single garage at the rear that would in part help screen the single storey element on this side.

Although extending back further beyond the neighbour's property to the east, the new dwelling is, on balance, considered acceptable and complies with UDP Policies H2/1, H2/2 and guidance in SPD6 Extensions and Alterations in relation to residential amenity.

Access and Parking - The existing access point from Cockey Moor Road would largely remain unchanged. The proposed driveway and parking area to the front is considered sufficient for three cars to park. The proposal is acceptable to the traffic team and complies with UDP Policies H2/3 extensions and Alterations and HT2/4 Car Parking and New Development and associated guidance in SPD6 and SPD11 in terms of access and parking.

Permitted development - As with the previously approved proposal, it is deemed appropriate to remove 'permitted development' rights for the house to control any further amendments or extensions in the interests of visual and residential amenity.

Representations - Most of the planning issues raised by the objectors have been addressed in the above report.

On balance, it is not considered that the revised proposal would have a seriously detrimentally impact on the visual amenity and character of the area, the openness of the Green Belt and the residential amenity of the neighbours.

With regard to finishing materials, the applicant wants to retain the proposed finishes as per the plan apart from the boundary wall which would be retained and finished in a terracotta/red brick colour to match the adjacent boundary walls.

As stated, the litigation issues are separate concerns which the Council and courts will duly determine on the appropriate continuation of this particularly as any grant of approval would still require to be implemented. People do have the right to submit alternative applications and decisions must be duly made.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify

various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

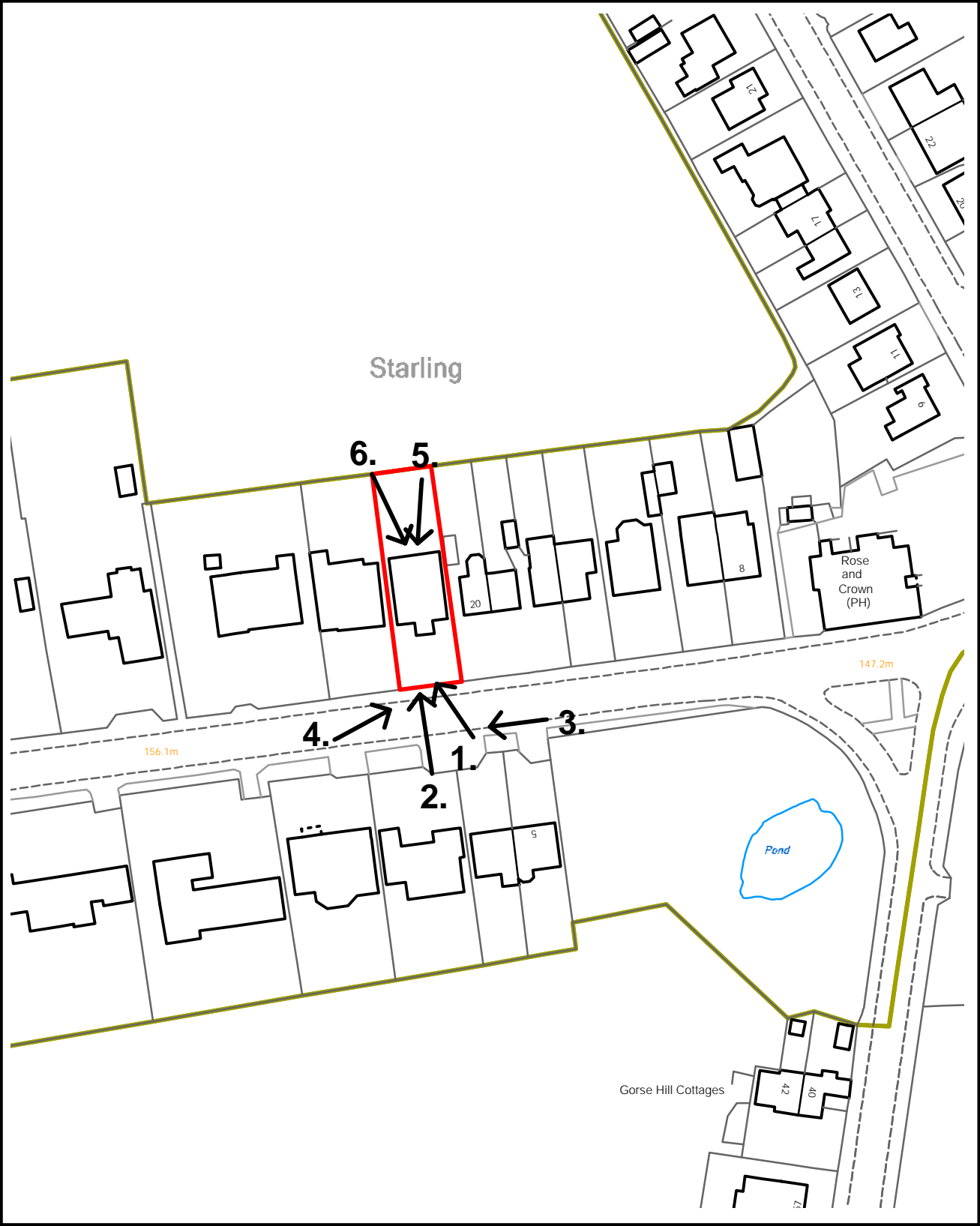
Recommendation: Approve with Conditions

Conditions/ Reasons

1. The proposed works hereby approved shall be completed to the satisfaction of the Local Planning Authority within 6 months from the date of this decision notice.
Reason. In the interests of visual and residential amenity and good planning practice, pursuant to the NPPF, Places for Everyone and UDP policies listed.
2. This decision relates to the following drawings reference 1423 -
Location Plan received 24/12/2025
Streetscene received 13/02/2026,
Plans As Built received 24/12/2025,
Revised site plan received 12/05/2026
Revised plans received 05/05/2026
Reverse received 05/05/2026
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. The external finishing materials for the house hereby approved shall match those of the existing property.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.
5. Neither of the flat roof areas to the single storey extensions at the rear shall be used as a balcony.
Reason. In the interests of residential amenity pursuant to UDP Policy H2/2 The Layout of New Residential Development.
6. As indicated in the site plan hereby approved, the boundary fence to the side and rear shall be maintained at a maximum height of 2m.
Reason. In the interests of residential amenity pursuant to UDP Policies H2/2, H2/3 and guidance in SPD6 as listed.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

Viewpoints - 72692



ADDRESS: 22 Cockey Moor Road, Bury, BL8 2HB



Planning, Environmental and Regulatory Services

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Photo 1



Photo 2



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Photo 3



Photo 4



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Photo 5



Photo 6

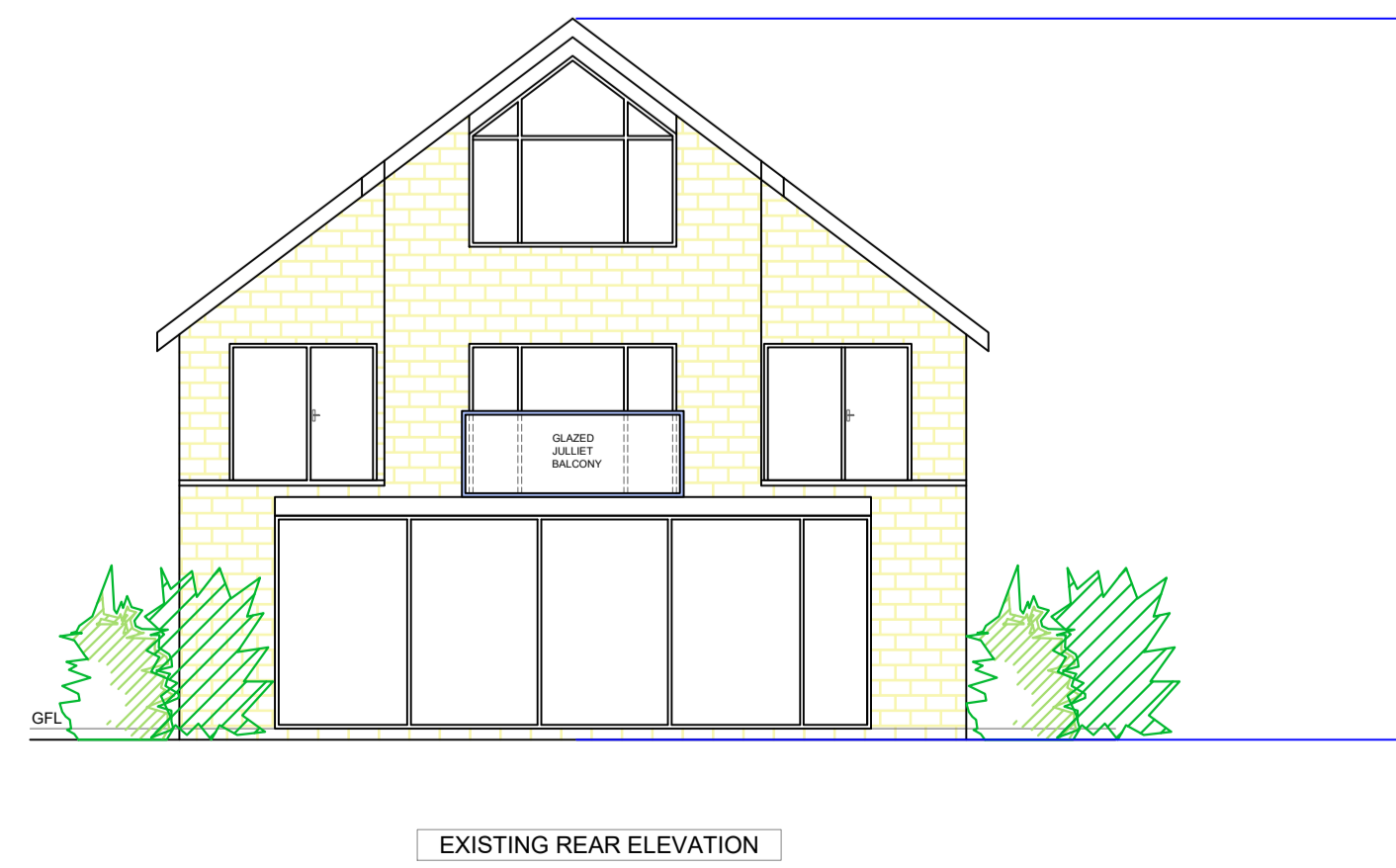
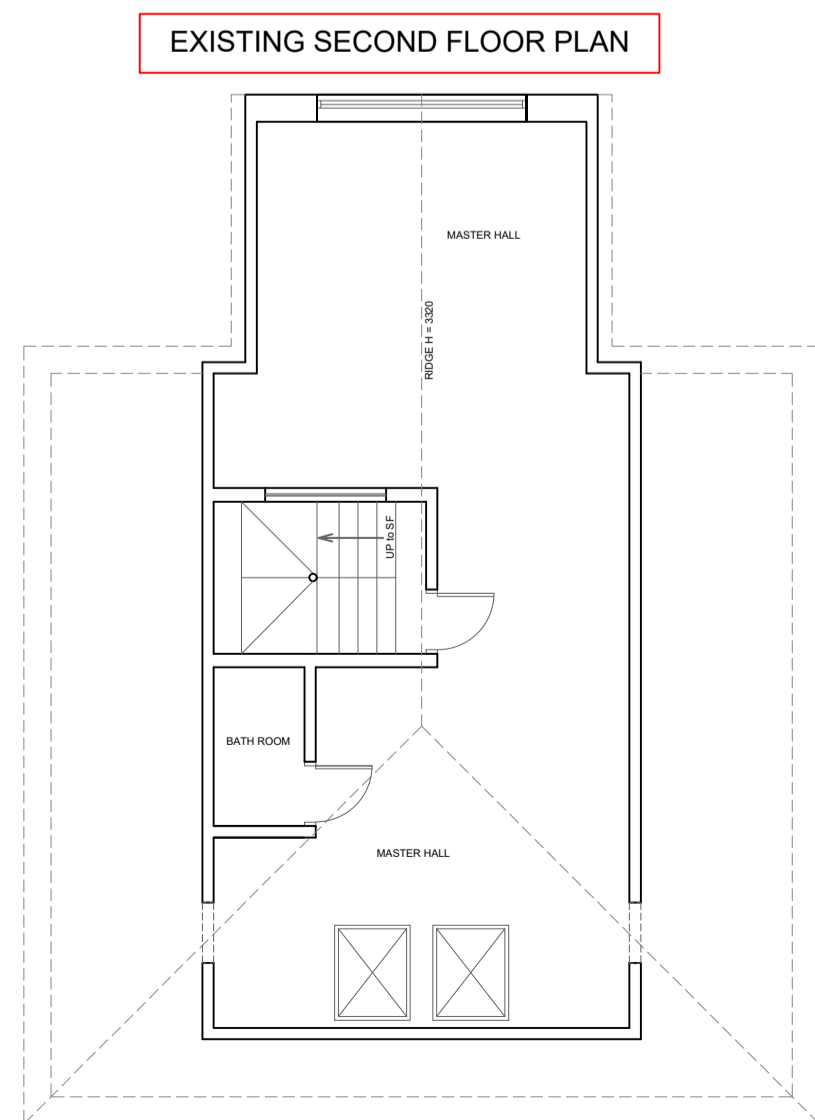
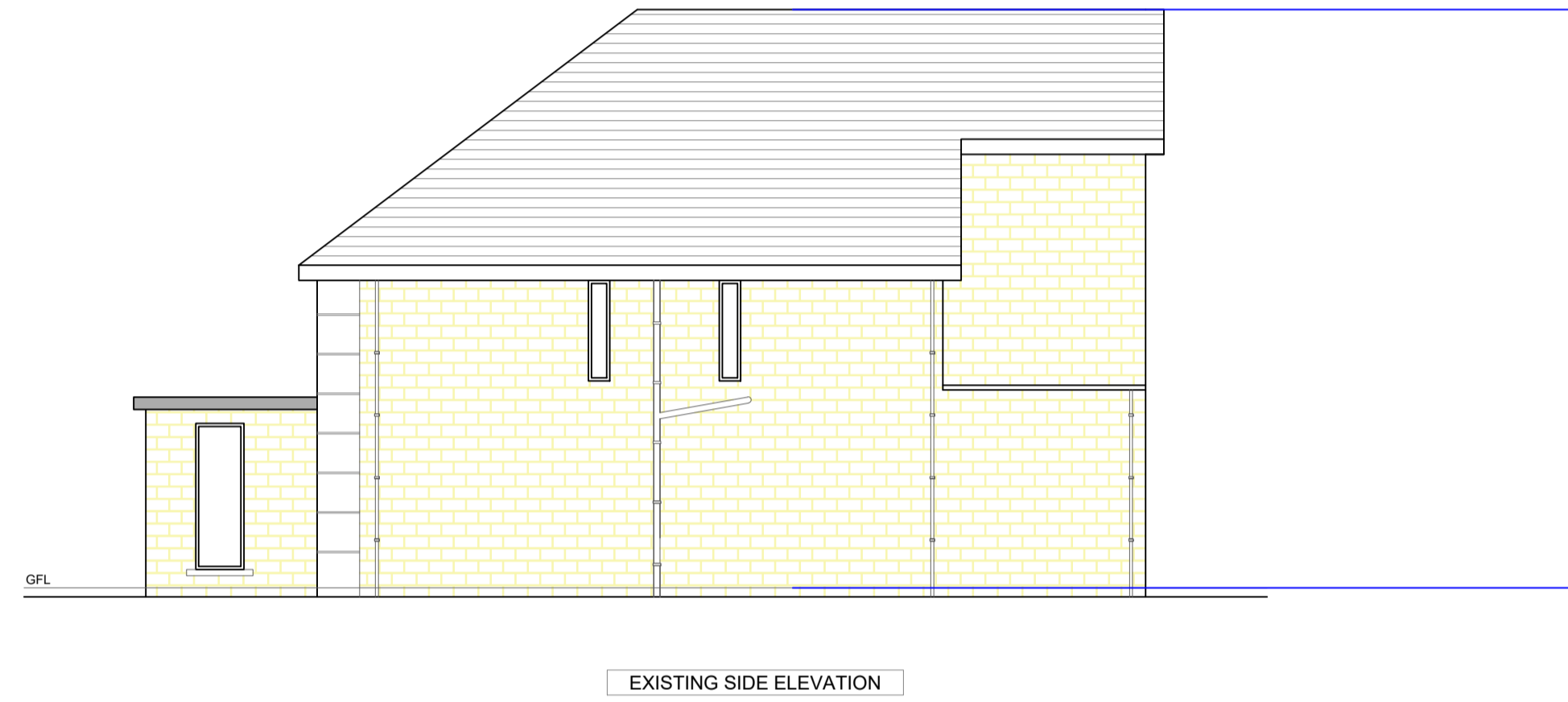
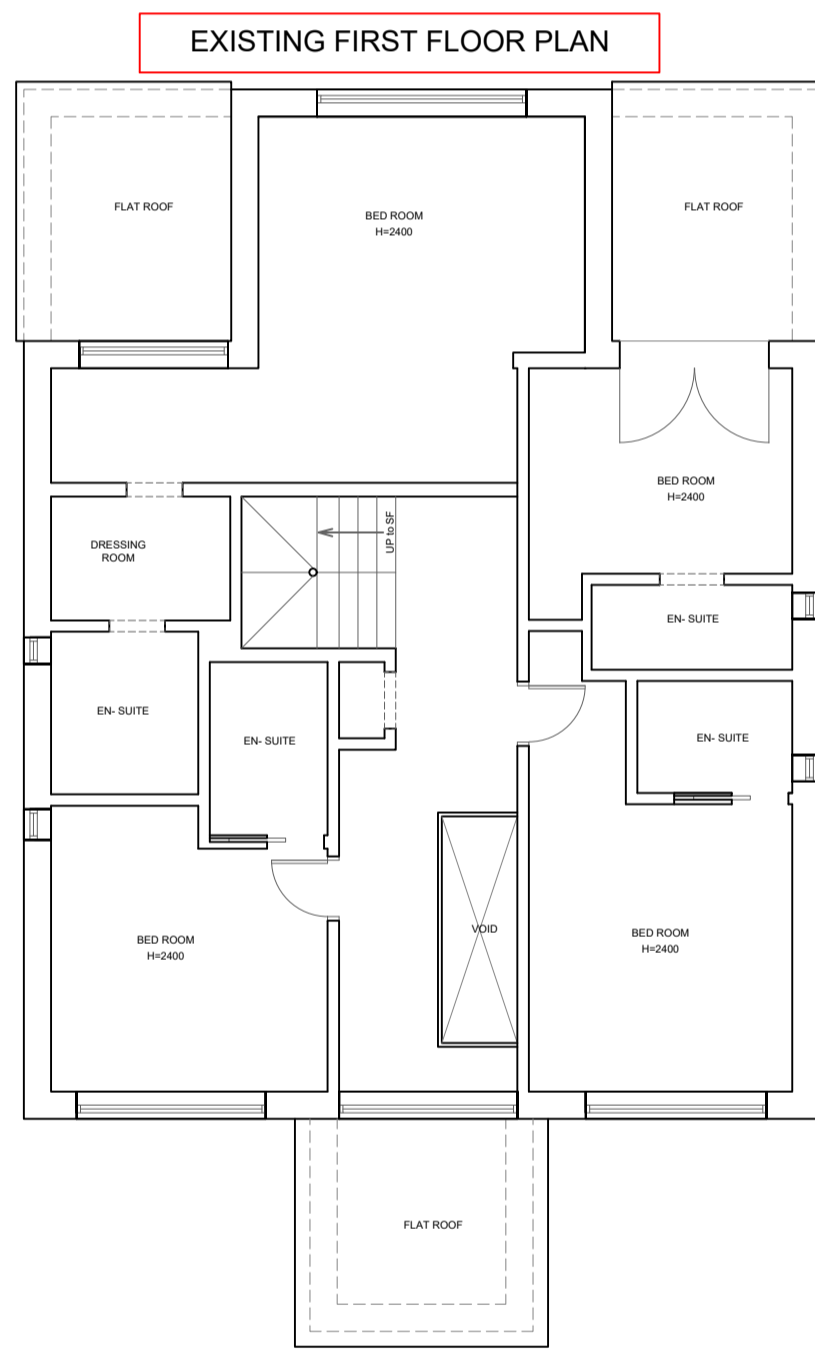
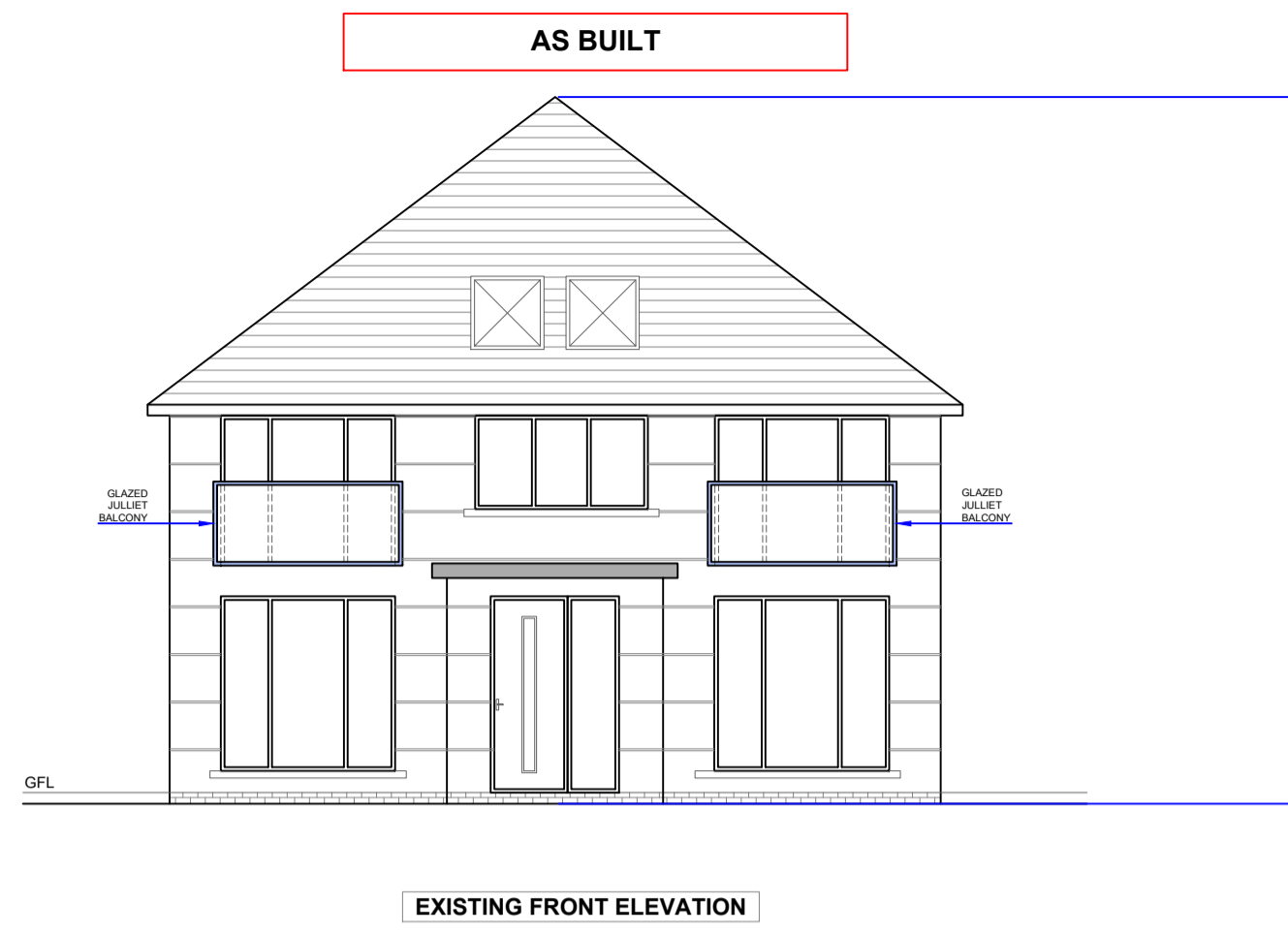
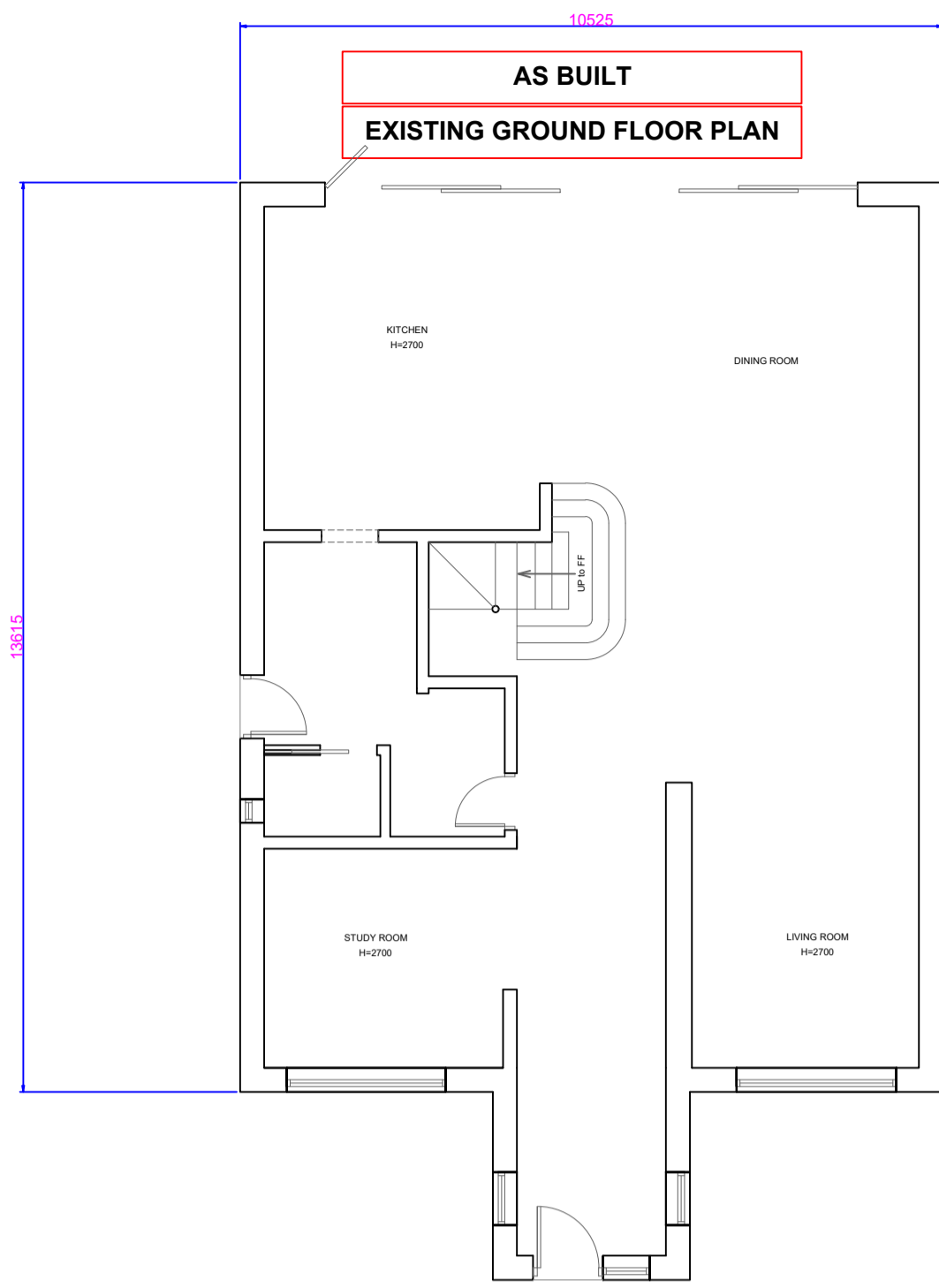


SITE LOCATION PLAN
AREA 2 HA
SCALE: 1:1250 on A4
CENTRE COORDINATES: 377388 410402,



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NOTES

REVISIONS

PROJECT: 22 COCKEY MOOR ROAD, BURY.
NEW BUILD DWELLING ALTERATIONS

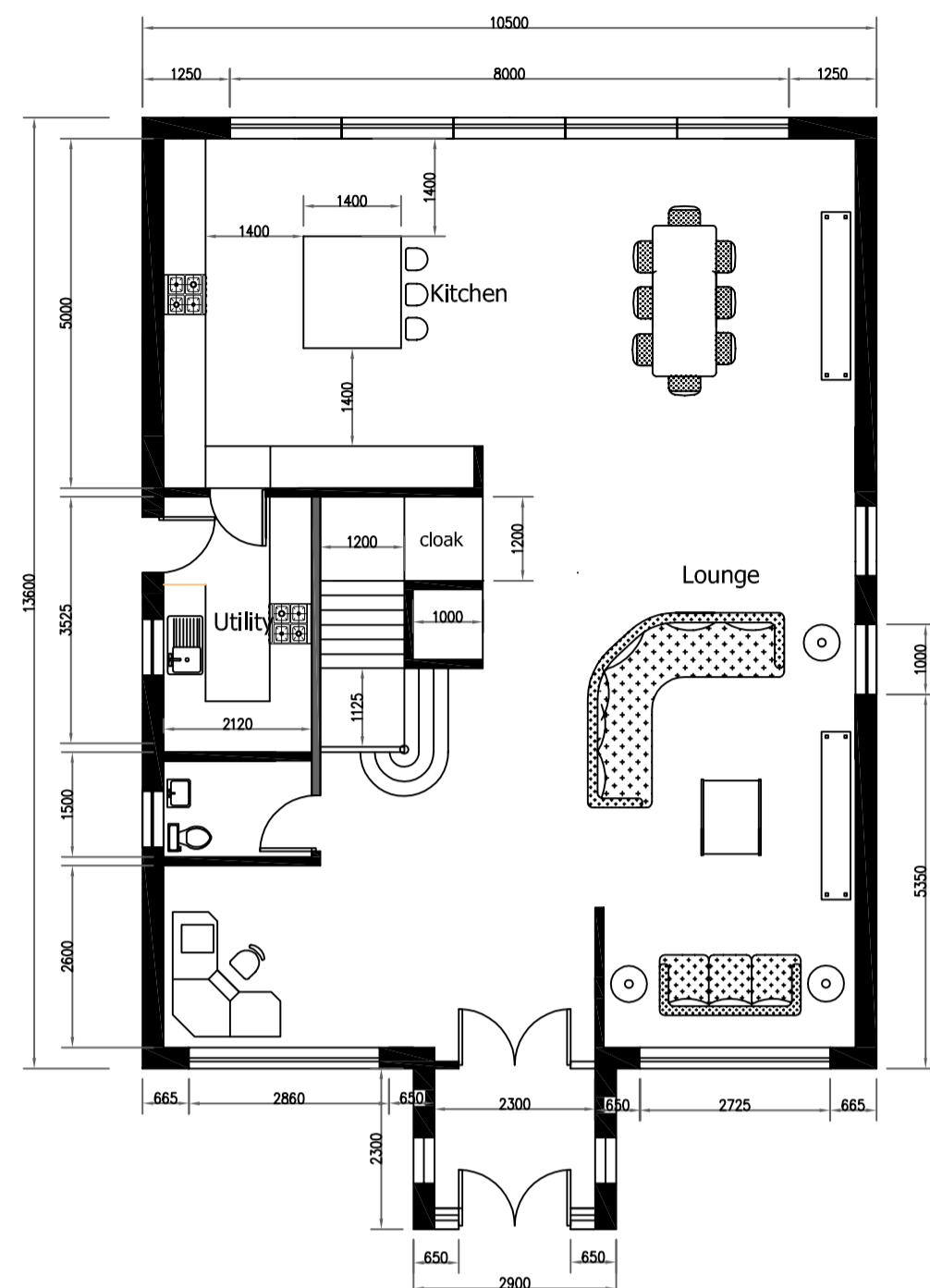
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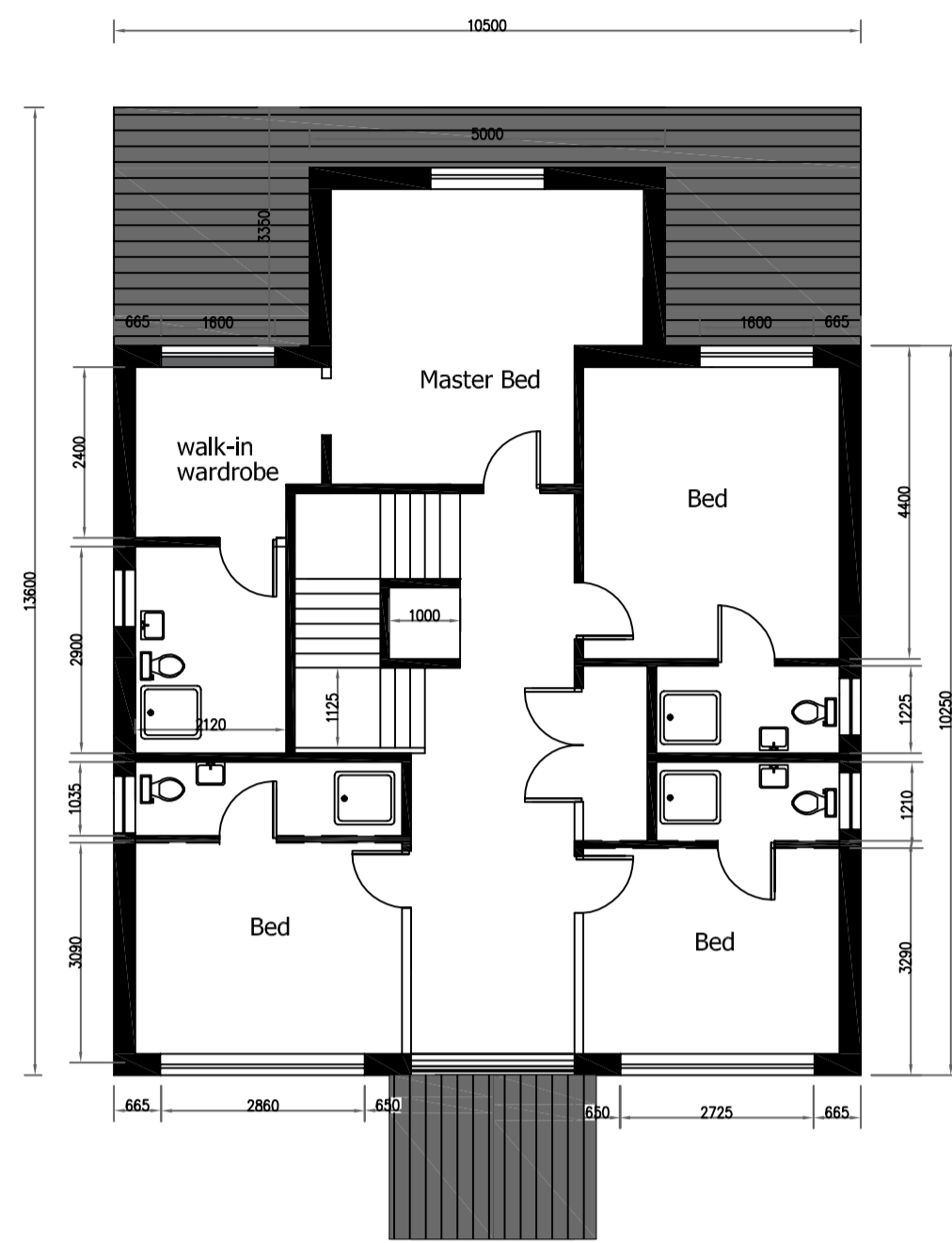
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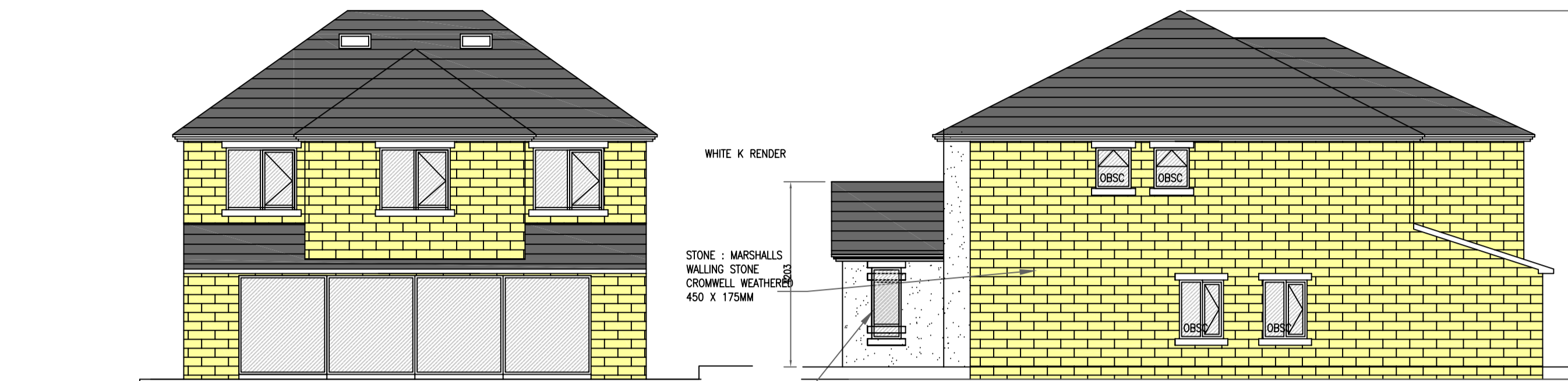


PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

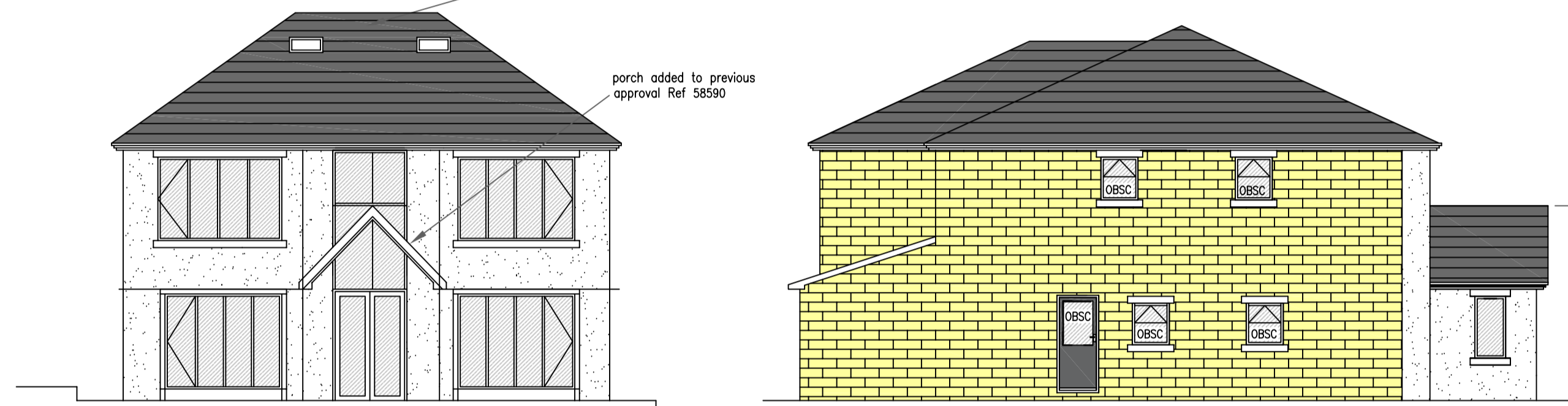
- ROOF : SPANISH SLATE
- WALLS : WHITE RENDER
- DOORS/WINDOWS : ANTHRACITE UPVC
- FEATURE FACING MATERIAL TO PORCH : STONE : MARSHALLS WALLING STONE CROMWELL WEATHERED 450 X 175MM
- 175MMRAINWATER GOODS : BLACK ALUMINIUM
- SOFFITS : WHITE PVC



PROPOSED REAR ELEVATION

PROPOSED SIDE ELEVATION A

ground floor windows to be obscure glazed (level 5) with restricted openings

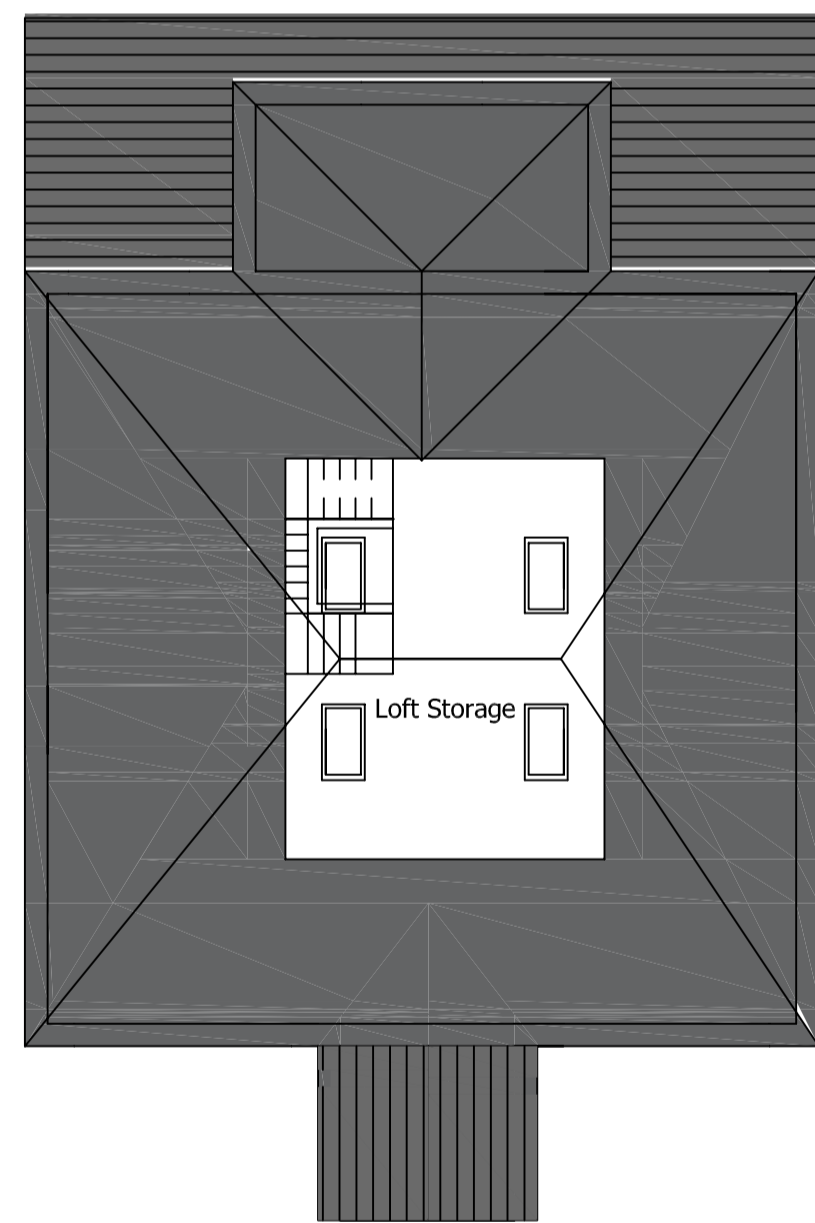


PROPOSED FRONT ELEVATION

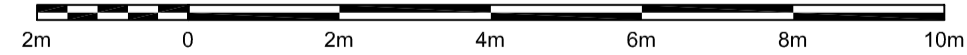
PROPOSED SIDE ELEVATION B

flat top to roof shown on previous approval Ref 58590 changed to single point

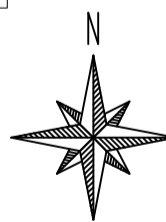
porch added to previous approval Ref 58590



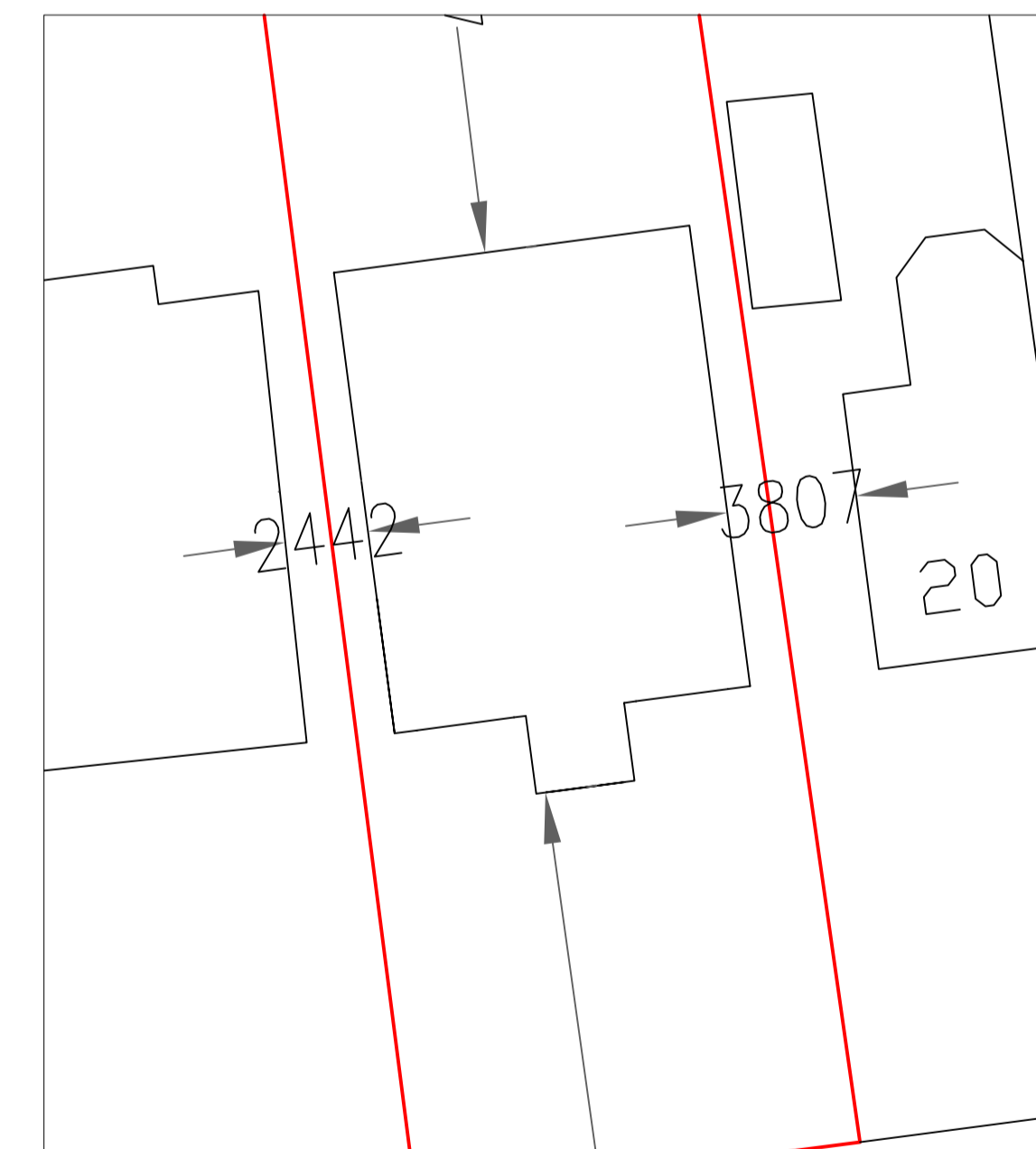
PROPOSED SECOND FLOOR PLAN



LOCATION PLAN (1:1250)
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Ordnance Survey 0100031673



BLOCK PLAN (1:500)



SITE PLAN (1:200)

Date	Rev.	Description	Initials
11/11/21	A.	Porch glazing reduced for stability reasons	RA
28/1/22	B.	Porch and hip pitch reduced	RA
10/3/22	C.	Side windows obscure glazed	RA

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Figured dimensions take precedence over scaled measurements from the drawing. All dimensions and drawings to be checked by Client and Contractor and discrepancies clarified with the Client prior to commencement.
The whole of the works to comply with Planning Approval & Conditions and current Building Regulations. No work to commence without Planning & Building Regulations approval.
The client must ensure the project complies with the Construction Design and Management Regulations 2015
The Client should ensure consent from any landowner or interested party is obtained, as well as compliance with Party Wall Act 1996

Notes

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Project
22 COCKEY MOOR ROAD
BURY
BL8 2HB

Title
EXISTING AND PROPOSED PLANS

Client

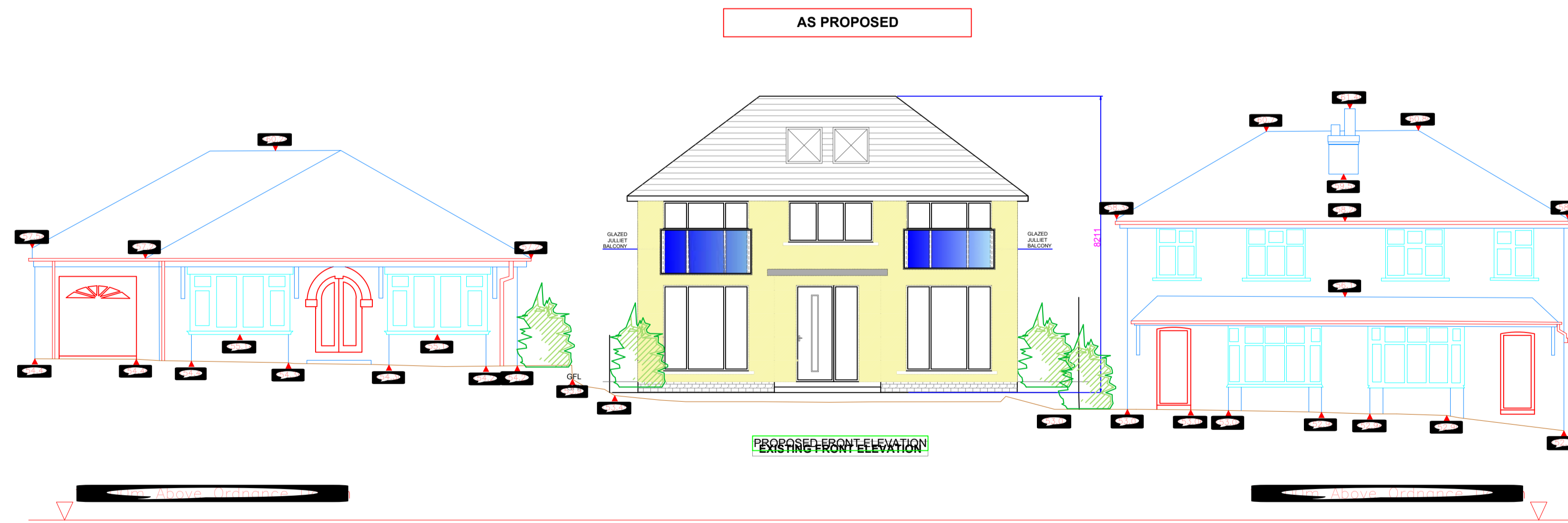
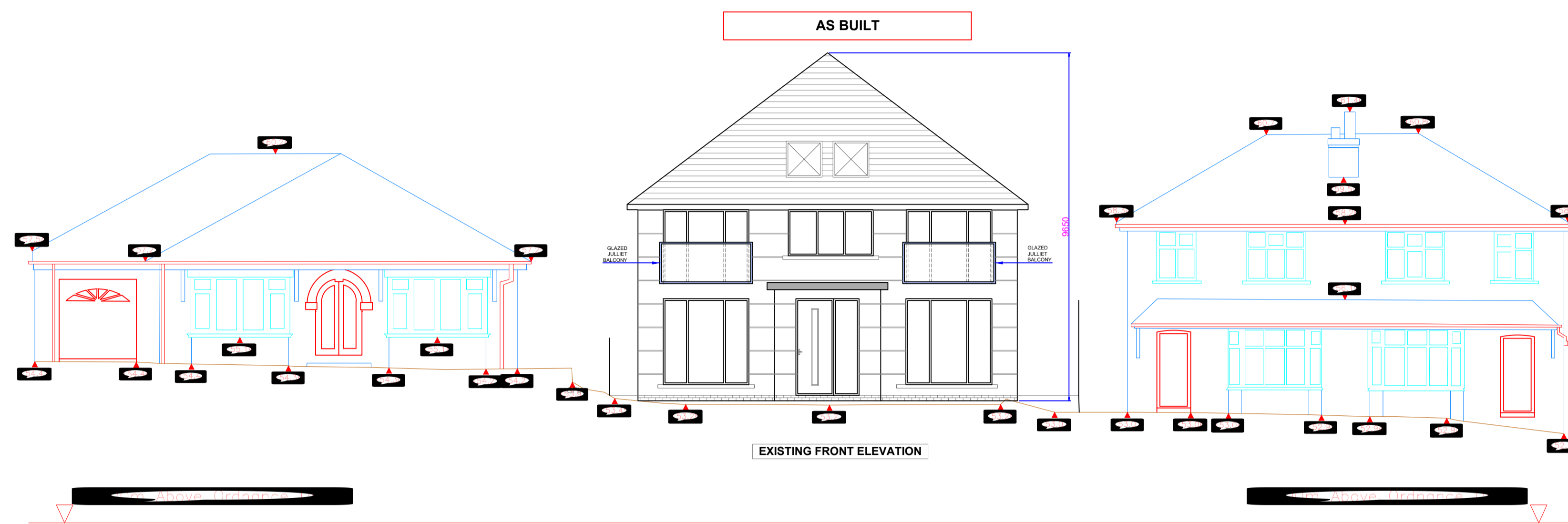
Drawn RA

Date JULY 2021

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NOTES



REVISIONS

PROJECT: 22 COCKEY MOOR ROAD, BURY.

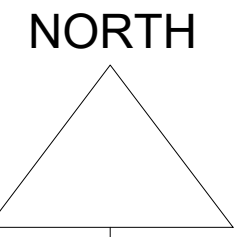
CLIENT: SAEED POSTCHI

SCALE: 1:100 @ A1 SHEET

REFERENCE NO: 1423 STREETSCENE

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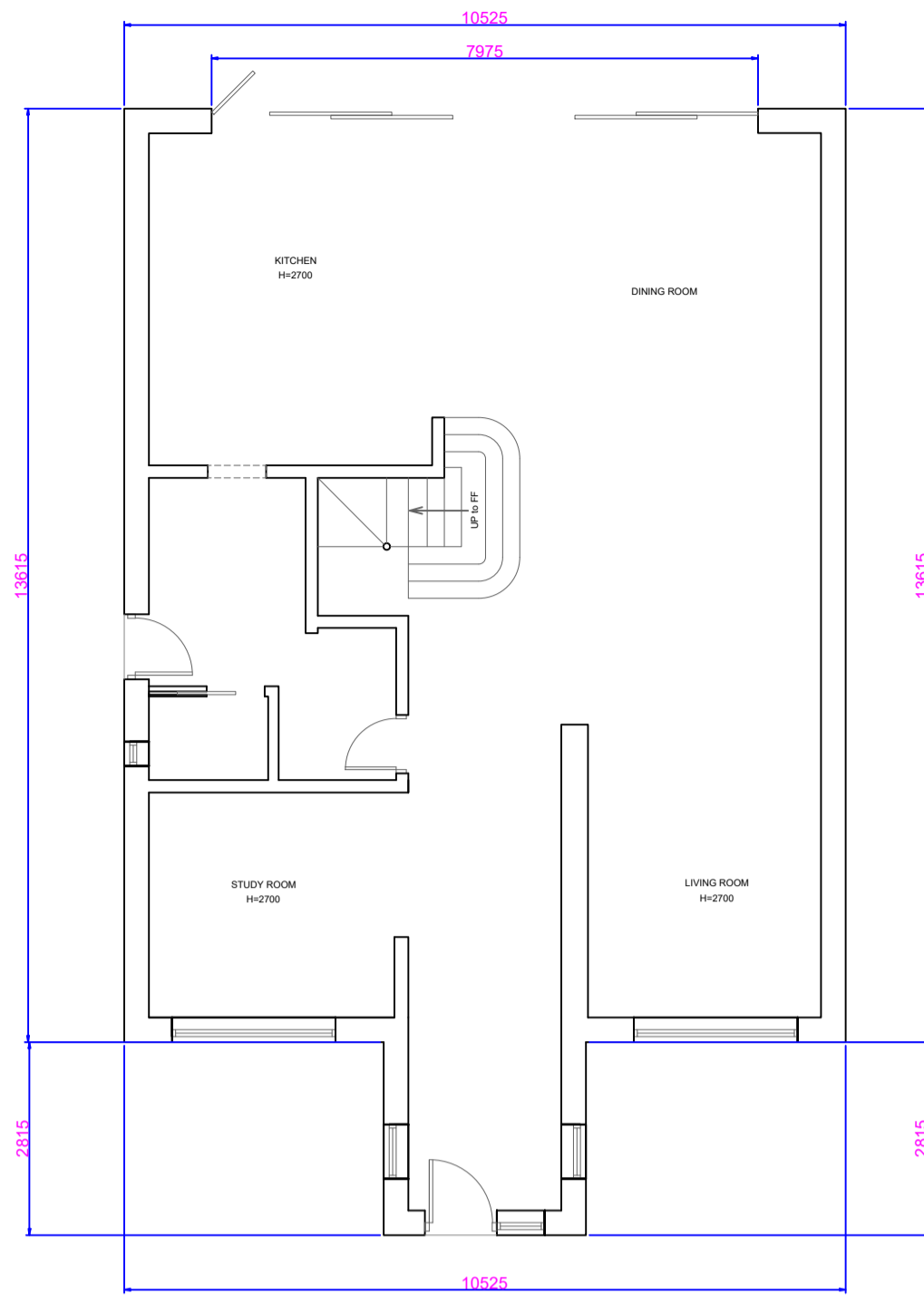


PROPOSED SITE PLAN: 1:200 ON A3 PAPER

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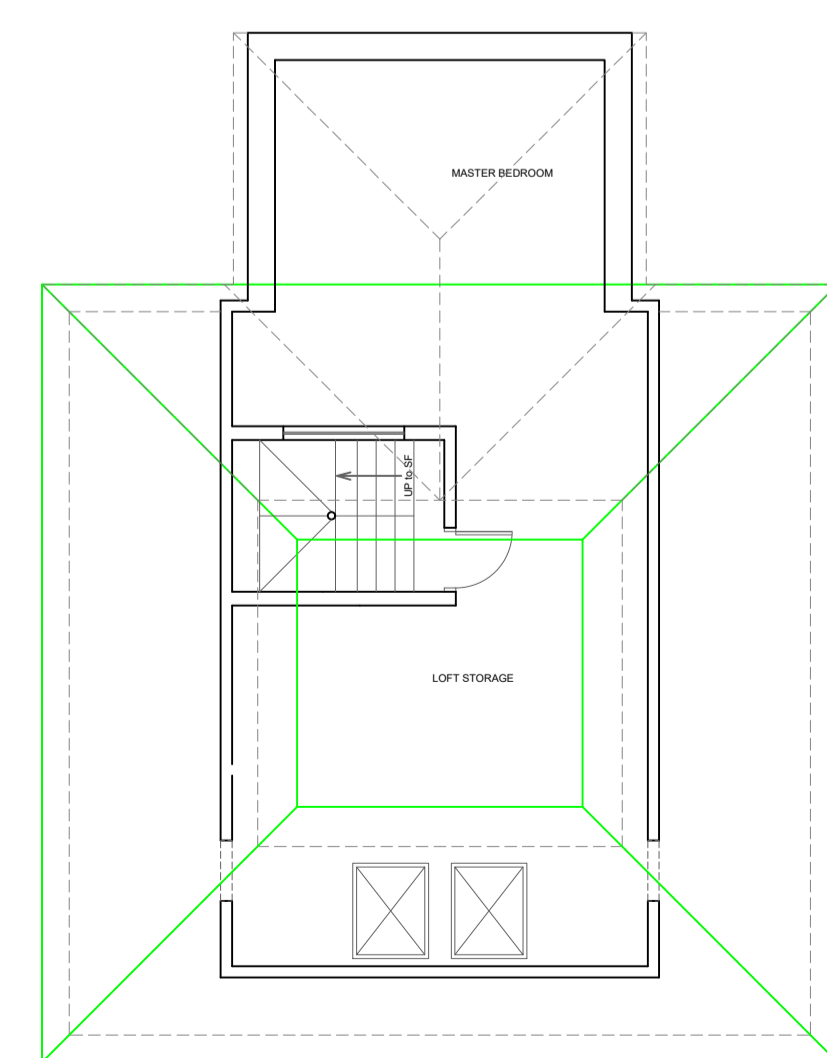
COCKEY MOOR RD



PROPOSED GROUND FLOOR PLAN



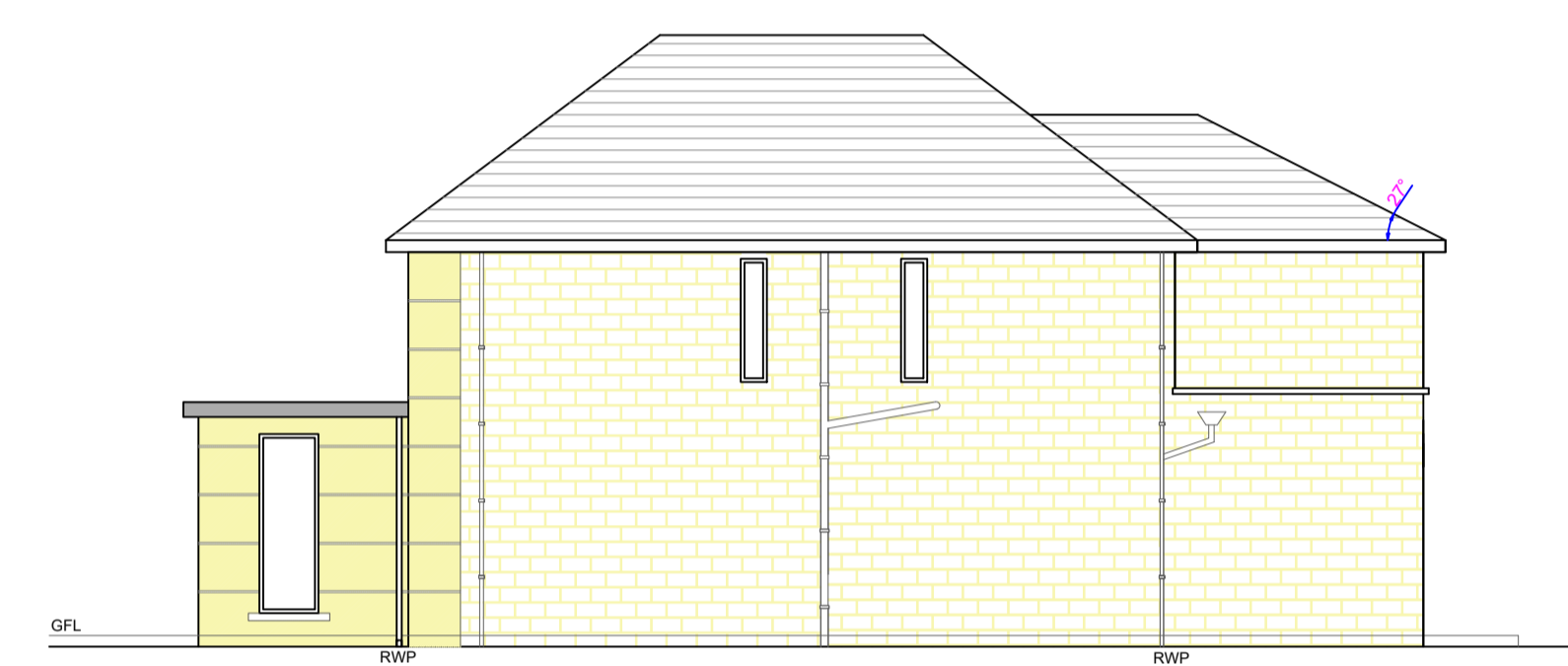
PROPOSED FIRST FLOOR PLAN



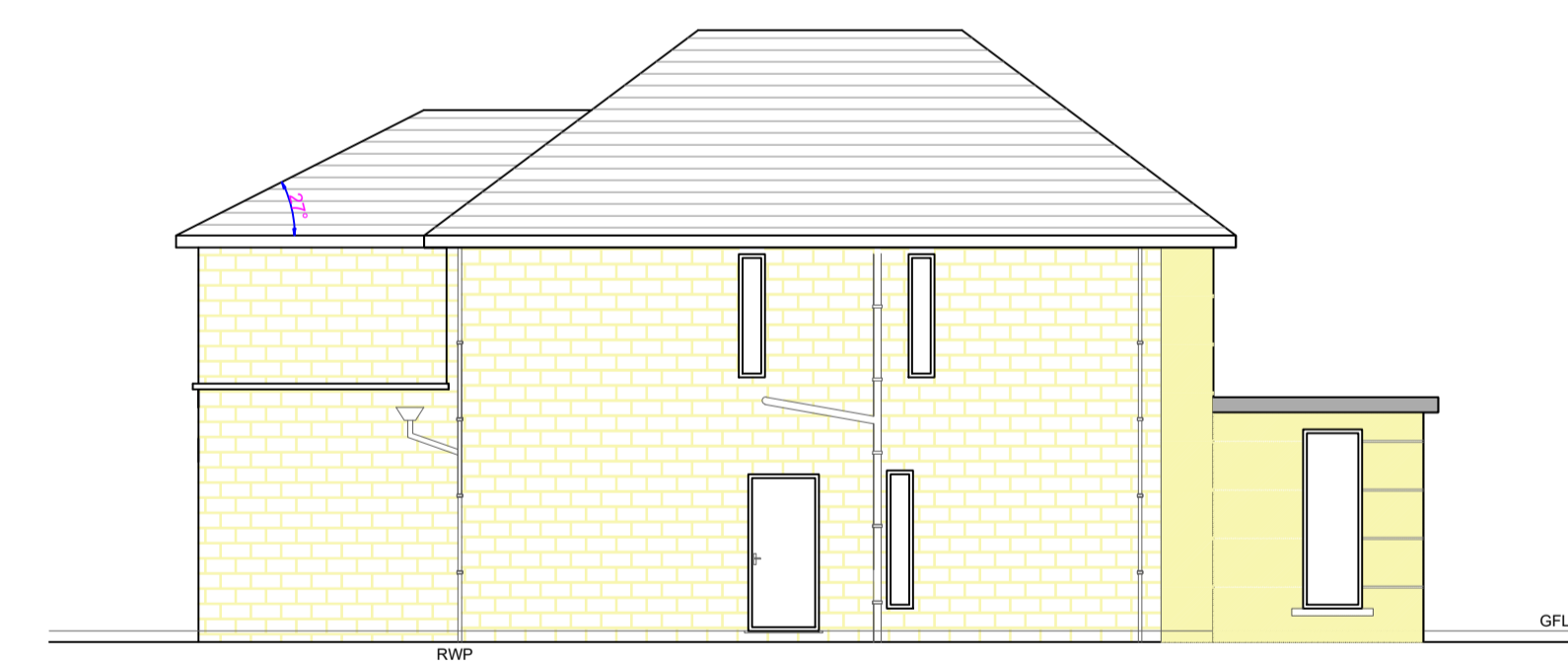
PROPOSED SECOND FLOOR PLAN



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION

NOTES

REVISIONS

PROJECT: 22 COCKEY MOOR ROAD, BURY.
NEW BUILD DWELLING ALTERATIONS

CLIENT: SAEED

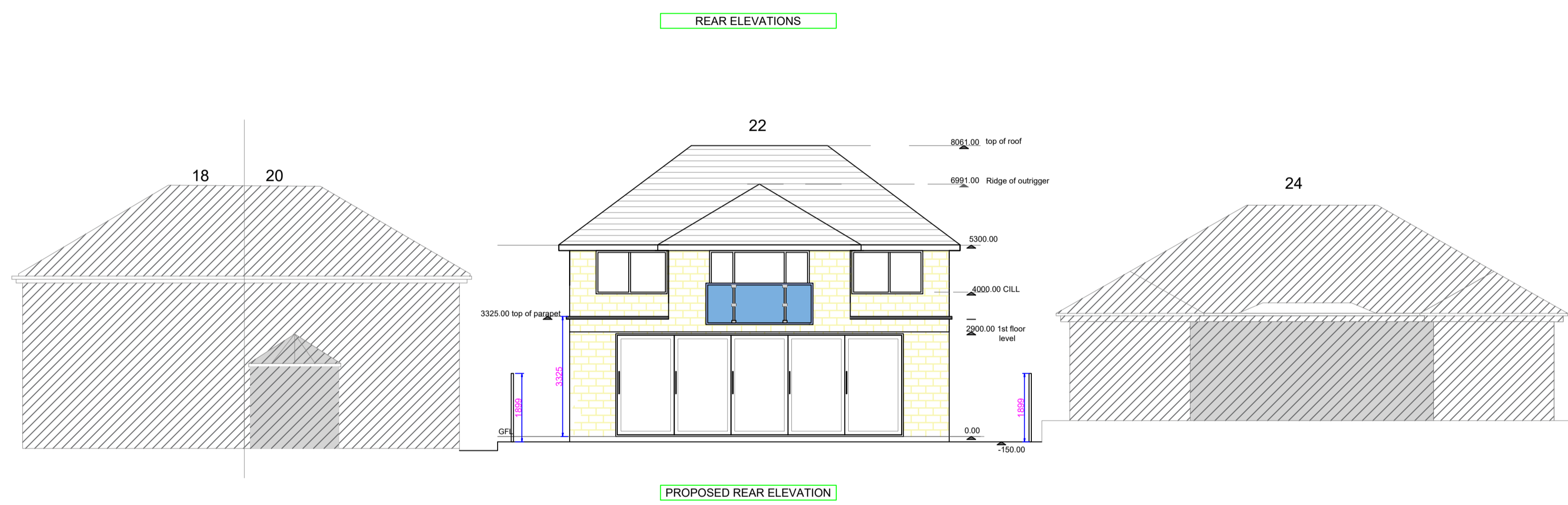
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REFERENCE NO: 1423 PROPOSAL

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NOTES



REVISIONS

PROJECT: 22 COCKEY MOOR ROAD, BURY.

CLIENT: SAEED POSTCHI

SCALE: 1:100 @ A1 SHEET

REFERENCE NO: 1423 REVERSE
STREETSCENE/REAR ELEVATIONS

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