

# REPORT FOR DECISION

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>25<sup>th</sup> NOVEMBER 2014</b>
<b>SUBJECT:</b>	<b>PLANNING APPEALS</b>
<b>REPORT FROM:</b>	<b>DEVELOPMENT MANAGER</b>
<b>CONTACT OFFICER:</b>	<b>JOHN CUMMINS</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<p>Planning Appeals:</p> <ul style="list-style-type: none"> <li>- Decided</li> </ul> <p>Enforcement Appeals</p> <ul style="list-style-type: none"> <li>- None to report</li> </ul>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to the note the report and appendices.
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A
<b>Wards Affected:</b>	All listed

<b>Scrutiny Interest:</b>	N/A
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## **TRACKING/PROCESS**

## **DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

### **1.0 BACKGROUND**

This is a monthly report to the Committee of the Planning Appeals lodged against decisions of the authority and against Enforcement Notices served and those that have been subsequently determined by the Planning Inspectorate.

Attached to the report are the Inspectors Decisions and a verbal report will be presented to the Committee on the implications of the decisions on the Appeals that were upheld.

### **2.0 CONCLUSION**

That the item be noted.

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### **List of Background Papers:- Copy Appeal Decisions attached**

#### **Contact Details:-**

John Cummins, Development Manager  
Planning Services, Department for Resources and Regulation,  
3 Knowsley Place ,Bury BL9 0EJ

**Tel: 0161 253 6089**

**Email: [j.cummins@bury.gov.uk](mailto:j.cummins@bury.gov.uk)**

**Planning Appeals Decided  
between 18/10/2014 and 16/11/2014**



**Application No.:** 57709/FUL

**Decision level:** DEL

**Recommended Decision:** Refuse

**Applicant:** Mr Phil Lockett

**Location:** 4 Keighley Close, Bury, BL8 2JY

**Proposal:** Part two storey and part first floor extension at side

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**Appeal Decision:** Dismissed

**Date:** 07/11/2014

**Appeal type:** Written Representations

Copy of the Planning Inspectors Report attached for information

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## Appeal Decision

Site visit made on 28 October 2014

**by Victoria Lucas-Gosnold LLB MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7 November 2014**

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**Appeal Ref: APP/T4210/D/14/2226254**

**4 Keighley Close, Bury, BL8 2JY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Philip Lockett against the decision of Bury Metropolitan Borough Council.
  - The application Ref 57709, dated 20 June 2014, was refused by notice dated 4 August 2014.
  - The development proposed is part two storey and part 1<sup>st</sup> floor extension on side of semi-det dwelling over existing garage for GF lounge / dining room / day room and 1<sup>st</sup> floor bed and en-suite use.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the development proposed on the character and appearance of the area.

### Reasons

3. The appeal dwelling, No. 4 Keighley Close (No. 4) is a semi-detached, brick built dwelling situated within a modern housing estate. No. 14 has a single storey garage and front porch attached to the front and side elevation of the main dwelling. The other dwellings on Keighley Close are of a similar appearance to No. 14 and maintain a relatively uniform building line.
4. Being semi-detached, properties on Keighley Close are separated from one another by a gap situated at either end of each pair of dwellings. In each instance, the side elevation of the dwellings is set back from the shared boundary with the neighbouring pair by the width of a pathway. The corresponding neighbouring dwelling is similarly situated thereby together creating a wider gap between each pair of semi-detached properties. This pattern is for the most part repeated along the row of dwellings on both sides of the Close. This establishes a feeling of space and openness in the streetscene which defines the character of the area.
5. The appeal proposal would see a first floor extension above the existing garage which would run along the full extent of the side elevation of the existing dwelling. The extension would have a side gable extending from the ridge of the dwelling. At ground floor level, the roof over the garage / front porch

would be mono pitch. The first floor element of the extension proposed would be situated flush with the main front elevation of the existing dwelling.

6. The Council's Supplementary Planning Document 6: 'Alterations and Extensions to Residential Properties' (Adopted 17th March 2004 and updated 13th January 2010) (SPD) sets out detailed guidance on the Council's approach to different types of residential development, including side extensions (Section 5). The SPD states that 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. It goes on to state that where there would be a gap to the side boundary, a lesser set back would be acceptable in accordance with a 45 degree line. I understand that, in the case of the appeal proposal, as a gap of 1.2 metres to the boundary exists, a set back of the first floor element proposed of 0.3 metres from the main front elevation would be required. The SPD does list some exceptions as to when a set back may be required but none appear to be relevant to the appeal proposal.
7. As the proposed extension would be situated flush with the main front elevation of No. 4, there would be little visual distinction between the original dwelling and the proposed extension. The appeal proposal would therefore have the visual effect of extending the width of the original dwelling by a considerable degree when seen from public viewpoints in the highway. Given that neighbouring dwellings maintain a uniform building line, the proposal would therefore have a moderate terracing effect in the streetscene. The proposal would also be seen as a visually dominant addition that would detract from the appearance of the original dwelling. For these reasons, the appeal proposal would be harmful to the character and appearance of the area.
8. I acknowledge that the existing space between No. 4 and the shared side boundary with its neighbour, approximately 1.2 metres wide, would be retained as part of the proposal. This, in combination with a corresponding space at the side of the neighbouring dwelling would ensure that a degree of space about the appeal dwelling would be maintained. Therefore whilst there would be a slight loss of space at first floor level above the garage as a result of the appeal scheme, overall I consider that this would not be significantly harmful.
9. I note the appellant's reference to other dwellings on the Close and the local area which have side extensions in place. However, there is little specific information before me to enable me to assess whether those schemes are sufficiently similar to the proposal before me or the reasons why those schemes may have been granted planning permission. I have therefore assessed this appeal proposal on its own merits.
10. I appreciate that incorporating a set back in line with the Council's policy requirements may result in construction difficulties arising for the appellant. I also understand that the proposal would result in an increase in width for one of the bedrooms at No. 4. Whilst I have had regard to these matters, they do not outweigh the harm that I have identified above.
11. Accordingly, I conclude that the development proposed would be harmful to the character and appearance of the area. The proposal would therefore conflict with policy H2/3 'Alterations and Extension' of the Bury Unitary Development Plan (Adopted 1997) which, among other things, states that applications for house extensions and alterations will be considered with regard to several factors, including the size, shape, design and external appearance of the

proposal; and the character of the property in question and the surrounding area. The proposal would also conflict with the Council's Supplementary Planning Document 6: 'Alterations and Extensions to Residential Properties' (as set out above).

### **Conclusion**

12. For the reasons given above, I conclude the appeal should be dismissed.

*Victoria Lucas-Gosnold*

INSPECTOR