

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	27 September 2016
SUBJECT:	PLANNING APPEALS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Planning Appeals:</p> <ul style="list-style-type: none"> - Lodged - Determined <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - Lodged - Determined
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A

Wards Affected:	All listed
Scrutiny Interest:	N/A

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.

List of Background Papers:-

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**Planning Appeals Lodged
between 22/08/2016 and 18/09/2016**



Application No.: 59720/FUL

Appeal lodged: 01/09/2016

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Jewish Telegraph Ltd

Location Land to rear of 11 Park Hill, Bury Old Road, Prestwich, Manchester, M25 0HH

Proposal Retention of storage container (retrospective)

Total Number of Appeals Lodged: 1

**Planning Appeals Decided
between 22/08/2016 and 18/09/2016**



Application No.: 59402/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 09/09/2016
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Miss Justine Molyneux	
Location: Sheepgate Farm Cottage, Bradshaw Road, Walshaw, Bury, BL8 3PL	
Proposal: Conversion and extension of existing garage/store to form specially adapted care provision accommodation for annexe to Sheepgate Farm Cottage	

Application No.: 59424/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 01/09/2016
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Mr D Noble	
Location: Land adjacent to 133 Stubbins Lane, Ramsbottom, Bury, BLO OPR	
Proposal: Removal of condition no. 4 following grant of planning permission 54694 (erection of detached dwelling) to create a driveway and vehicular access between the site and Stubbins Lane	

Application No.: 59947/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 02/09/2016
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: SR and JR Brown Ltd	
Location: Twine Valley Farm, Church Road, Shuttleworth, Ramsbottom, Bury, BLO 0EH	
Proposal: Retrospective application for agricultural building for housing livestock	

Application No.: 60127/FUL	Appeal Decision: Allowed
Decision level: DEL	Date: 05/09/2016
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Mrs S Lawson	
Location: 63 Tamworth Avenue, Whitefield, Manchester, M45 6UA	
Proposal: First floor extension at side with pitched roof to existing flat roof at rear	

Appeal Decision

Site visit made on 2 August 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 08 September 2016

Appeal Ref: APP/T4210/W/16/3149240

Sheepgate Farm Cottage, Bradshaw Road, Walshaw, Tottington BL8 3PL

- 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 Miss Justine Molyneux against the decision of Bury Metropolitan Borough Council.
 - The application Ref 59402, dated 26 October 2015, was refused by notice dated 14 December 2015.
 - The development proposed is conversion and extension of existing garage and store to form specially adapted care provision in conjunction with Sheepgate Farm Cottage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The proposed development is within the Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development

3. Paragraphs 89 and 90 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. The appellant contends that the proposal would not be inappropriate development as it would not result in any disproportionate additions over and above the size of the original building. In addition, it is argued, the existing building is of robust construction which would facilitate conversion and extension.
 4. It is not clear whether the conversion and extension of the existing building is sought or its complete replacement. Despite this, I have considered the proposal in terms of either possibility and reached my decision accordingly.
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5. Whilst the proposed extension may be modest in the appellant's view, it would constitute a significant increase in the total floor area of the building from approximately 50 square metres to about 75 square metres. This would be a disproportionate and substantial addition to the original building. Furthermore, the replacement of the existing building would not meet the requirements of the Framework as it would not represent a replacement building in the same use and it would also be a materially larger building than the one it would replace.
6. With regard to the condition of the existing building, it has been in use as a garage and storage facility. The fabric of the building appears worn and dilapidated in parts with gaps in the building in certain areas, particularly between the walls and the corrugated metal roof. Therefore, in the absence of any structural report or other evidence supporting the view that the building is of permanent and substantial construction, I consider it not to be suitable for conversion.
7. As a result, the proposed development does not fall within the categories of buildings or structures allowed for in Paragraphs 89 and 90 of the Framework. Consequently, I conclude that it would be inappropriate development for the purposes of the Framework. The resultant harm must be given substantial weight in determining this appeal.

Effect on openness

8. The appellant argues that the proposed dwelling would not extend above the ridge height of the existing building and a 'green roof' would be incorporated to help mask the proposal when viewed from higher ground to the west. Furthermore, the appellant states that the proposal should be viewed as part of a cluster of buildings within the Green Belt, rather than as a single isolated building and therefore its impact on openness would be limited.
9. Despite this, the proposal would represent a significant increase in floorspace to the existing building. Whilst not increasing its height, it would extend the bulk and volume of the building northwards. In addition, the building would be visible at a distance from the west and seen also as the furthest extent northwards of the cluster of buildings adjacent. Therefore, the proposed development would increase the visible extent of both the building and the group of buildings northwards. This would have a detrimental visual impact on the Green Belt and would reduce its openness as a result.
10. As such, the proposed dwelling would cause some material harm to the openness of the Green Belt and would impact on the Green Belt purpose of safeguarding the countryside from encroachment. Consequently, I conclude that the proposal would be contrary to saved Policies OL1/2 and OL1/4 of the Bury Unitary Development Plan 1997 and the Framework. These policies seek to strictly control development in the Green Belt and keep land permanently open.

Other considerations

11. I have had due regard to the case for very special circumstances put forward by the appellant. I have also considered the statements put forward in support of this within the appellant's Design and Access Statement (DAS).

12. The purpose of the proposal is to provide separate but fully equipped accommodation to allow the appellant's father, in light of relatively recent changes to family and personal circumstances, to still be able to be involved with and provide the necessary care for his daughter outside of the family home. I appreciate the private and sensitive nature of the issues surrounding this case and I am very conscious of the appellant's special needs and best interests.
13. However, I note from the DAS that the existing family home at Sheepgate Farm Cottage is fully adapted to meet the needs of the appellant and carers, including family. While recent events may make it desirable to change the way the appellant is cared for, there is no evidence before me to indicate that it would be impossible for the family to maintain this current situation or, possibly, make alternative arrangements within the existing accommodation. Against this background, I see no overriding justification to justify further development within the Green Belt and its consequent harm.
14. The proposal, it has been argued, may be permitted development. However, this has not been demonstrated and it is not appropriate under Section 78 of the Act to determine whether or not this would be the case. I therefore attach very limited weight to this matter.
15. The proposed building could be constructed in a highly sustainable way so as to reduce its carbon footprint. I attach some weight to this consideration. However, as a whole, for the reasons given above I do not consider that the scheme would constitute sustainable development as envisaged by the Framework.

Conclusion

16. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, where there would be adverse effects on openness and the Green Belt purpose of safeguarding the countryside from encroachment, substantial weight should be given to the harm caused. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
17. Having had regard to all other matters raised, I conclude that the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate the very special circumstances necessary to justify the proposal. I am also satisfied that dismissal of the appeal is a proportionate response necessary in the wider public interest having also had regard to my public sector equality duties.
18. Consequently, for the reasons given above, and in accordance with national and local policy, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR

Appeal Decision

Site visit made on 16 August 2016

by V Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 1 September 2016

Appeal Ref: APP/T4210/W/16/3152546

Land adj 133 Stubbins Lane, Ramsbottom, Bury, BL0 0PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr D Noble against the decision of Bury Metropolitan Borough Council.
 - The application Ref 59424, dated 30 October 2015, was refused by notice dated 18 December 2015.
 - The application sought planning permission for erection of detached dwelling without complying with a condition attached to planning permission Ref 54694, dated 23 February 2012.
 - The condition in dispute is No. 4 which states that: There shall be no direct means of vehicular access between the site and Stubbins Lane at any time.
 - The reason given for the condition is: To ensure good highway design in the interests of road safety.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Work has already started on the construction of the vehicular access. The appeal scheme therefore seeks retrospective planning permission.

Background and Main Issue

3. Permission was originally granted for the erection of a dwelling at the appeal site in 2012, subject to conditions. The dwelling has since been constructed. Condition No. 4 is the subject of this appeal. It restricts the creation of a direct vehicular access between the appeal site and Stubbins Lane. The appeal scheme seeks to remove this condition and in relation to the vehicular access onto Stubbins Lane that has been constructed.
4. I therefore consider the main issue to be whether the condition is reasonable and necessary in the interests of highway safety.

Reasons

5. The appeal site is situated on the north side of the main A676, Stubbins Lane which is a Class 1 road. Whilst I note the appellant's comments that there is often no through flow of traffic along the lane, during the site visit I observed a
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regular through flow of traffic including cars, buses, lorries and vans. Therefore based on the evidence before me, including comments from the Highway Authority, I am of the view that the road is a busy and well used thoroughfare.

6. There is a bus stop situated close to the appeal dwelling on the same side of the road as it and I observed buses pulling in to it at regular intervals. The forecourt of the Ramsbottom Fire Station is also directly opposite the site. There is also a car garage further along the road on the opposite side of the highway to the appeal site. Also the majority of the row of dwellings of which the appeal property forms part do not have dedicated off-road parking. As a result of this, there is a line of parked cars along Stubbins Lane at this point where the appeal access is located.
7. There are therefore several features along the highway close to the appeal site which are likely to increase vehicle movements in the vicinity. For example, large vehicles and cars entering and exiting the nearby garage, fire engines entering and exiting the station and cars manoeuvring and stopping on the highway and parking outside the dwellings close by. The bus stop will also result in stationary buses, and additional vehicle movements as buses pull in and out of the stop along with the likelihood of pedestrians seeking to cross the road at this point. There are therefore a number of potential hazards which drivers travelling along Stubbins Lane must already take account of in the vicinity of the appeal site.
8. Given the lack of individual driveways in the immediate vicinity of the appeal site, drivers travelling along the lane would not necessarily anticipate a vehicle turning into or out of a driveway at this point. The creation of a new access would increase the number of vehicle movements in the vicinity. This would increase the number and frequency of potential hazards which drivers travelling along Stubbins Lane would have to negotiate whilst travelling along it. Due to the busy nature of the highway, this would be likely to increase the risk of accidents occurring which would be detrimental to both highway safety and the free flow of traffic travelling along the lane. Notwithstanding that the width of the lane is wide at this point, I therefore consider that the access would be significantly harmful in this regard. Whilst the fire service may not have specifically objected to the scheme that could be for a number of reasons and is not necessarily indicative of support.
9. Whilst the plans submitted with the appeal do show a reversing space within the back garden of the appeal site, the space provided looks to be confined and there is no dedicated turning circle provided. It is therefore likely that vehicles using the driveway would either have to reverse in to or out of the drive. Indeed the appellant has referred to undertaking reversing manoeuvres in the documents submitted with the appeal. Given the busy nature of the lane and the number of existing potential hazards that I have described, a vehicle reversing onto or across the highway at this point would be an unexpected manoeuvre that passing motorists would not necessarily anticipate. The appeal scheme would therefore be harmful to highway safety as a consequence.
10. The driveway would also require users to cross the pavement in order to access the lane. As previously noted, the majority of houses close by do not have dedicated off-road parking. Therefore pedestrians walking along the pavement would not necessarily expect a vehicle to be crossing the pavement and this

would therefore be an unexpected vehicle manoeuvre. As the vehicle would be likely to be reversing in to or out of the driveway, this would therefore be a significant risk to passing pedestrians. This is particularly so given the low boundary wall at the front of the appeal dwelling and the high palisade fence around the neighbouring substation as these features would severely restrict visibility for vehicles emerging from the appeal site. Although the appellant has stated that the pavement is wide at this point, this would not mitigate the harm that I have described as drivers using the access would need to partly cross the pavement before being able to get a clear view of oncoming pedestrians. A mirror to assist users of the driveway when reversing would also not overcome my concerns as this would be of limited benefit in significantly increasing the visibility of passing vehicles or pedestrians in the vicinity.

11. The parked cars along the highway at this point are an additional feature that would restrict visibility for vehicles emerging from the driveway. Whilst there is some dispute between the main parties as to whether or not the scheme would result in the loss of some on-street parking spaces, I am in agreement with the Council that in order to keep the access clear and provide sufficient visibility splays either side, parking would need to be restricted along the highway for a greater distance than just the width of the driveway. This would be to the detriment of neighbouring occupants who rely on on-street parking and would be likely to displace parked vehicles further along Stubbins Lane. This would be likely to increase vehicle movements along the lane as a consequence to the detriment of the free flow of traffic along it.
12. The Council have also raised concerns as to whether the driveway would be wide enough to accommodate a parked car sufficient to allow passengers to enter and exit the vehicle easily. I note that the appellant submitted a plan stating that the width of the driveway would be approximately 2.3m. However, a sketch submitted with the appeal seems to indicate a different measurement. Had the scheme been acceptable in other regards I would have sought further clarification on this matter. In any event, even if the driveway were of sufficient width and length to accommodate a car this would not outweigh the harm that I have identified above.
13. Accordingly, I conclude on this issue that condition No. 4 is reasonable and necessary in the interests of highway safety. The appeal scheme would therefore conflict with policies HT2, HT2/4 and HT2/2 of the Bury Unitary Development Plan (Adopted 1997) which together seek to ensure that new development improves road safety and the free flow of traffic; makes adequate provision for car parking; and demonstrates acceptable standards of layout including access for vehicles.

Other Matters

14. Whether or not the appeal scheme, including the boundary treatments erected, has been built in accordance with the approved scheme is a matter for the Council and not directly relevant to the appeal scheme before me.
15. I note the appellant's comments regarding the relocation of a lighting column. However, there is little specific evidence before me to suggest that approval of this request was indicative of support for the access and indeed the Highway Authority have specifically objected to this appeal scheme.

Conclusion

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

V Lucas-Gosnold

INSPECTOR

Appeal Decision

Site visit made on 9 August 2016

by **G J Fort BA PGDip LLM MCD MRTPI**

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

Decision date: 02 September 2016

Appeal Ref: APP/T4210/W/16/3151468

Twine Valley Farm, Off Church Road, Shuttleworth

- 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 James Brown (SR and JR Brown Ltd.) against the decision of Bury Metropolitan Borough Council.
 - The application Ref 59947, dated 1 April 2016, was refused by notice dated 26 May 2016.
 - The development proposed is agricultural building for housing livestock.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal is retrospective as it refers to a building (“the building”) that has already been constructed.
3. There is a deemed consent to carry out an agricultural development complying with the limitations and conditions provided in Part 6 Class A Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The building that has been erected on the site is in the same location, however, it is different in size and design from that approved and the proposal is for a different use, that is for housing livestock as opposed to the storage of the hay crop. Consequently, the appellant accepts that the building requires planning permission and his case in this appeal is based to some extent on the consideration that the Council has accepted that a very similar building to that constructed can be built on the site, albeit not for the housing of livestock. I will determine the appeal on this basis.

Main Issues

4. The appeal site is within the Green Belt. Consequently, I consider the main issues to be firstly, whether or not the appeal building constitutes inappropriate development for the purposes of local and national planning policy; secondly, the effects of the building’s use on the living conditions of the occupants of Millhouse Street in terms of noise and disturbance ; thirdly, the effects of the building on the character and appearance of the surrounding Special Landscape Area; and fourthly, the proposal’s effects on ground water contamination.
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Reasons

Whether or not inappropriate development

5. The building is situated within the Green Belt, on a site elevated above Bamford Road and Church Road on a steeply sloping field. The appeal site is part of a wider open terrain of steep hills scattered with farm buildings, and short roadside terraces of dwellings at lower levels. The building is a large structure of an agricultural character that presents a blank elevation of concrete panels and Yorkshire boarding to Bamford Road, with a roof of corrugated sheeting. The building is open on the elevation facing the field, and at each of the corners on that side. It is sited immediately above a complex of other agricultural structures of similar materials and scales that hug Bamford Road more tightly. Whilst the proposed use of the building is for housing cattle, at the time of my site visit agricultural machinery and related paraphernalia were being stored within it.
6. The National Planning Policy Framework ("the Framework") states that the Government attaches great importance to Green Belts. Paragraph 89 makes it clear that the "construction of new buildings [is] inappropriate in Green Belt". However, there are exceptions to this, which include, amongst other things buildings for agriculture and forestry.
7. The use of the building for agricultural purposes is not a matter of dispute between the parties. Furthermore, the Framework sets no limits on the scale of such a building, or requires evidence of its necessity. Unlike some other development types stated in paragraph 89 and 90 of the Framework, the effects of agricultural buildings on the openness or purposes of the Green Belt are not relevant to a consideration of whether or not they are inappropriate.
8. Consequently, for the purposes of the Framework, the appeal building does not constitute inappropriate development. As it is one of the exceptions given in paragraph 89 it does not therefore have a harmful effect on the openness or purposes of the Green Belt. In this regard also the appeal scheme would not conflict with OL1/2 of the Bury Unitary Development Plan (adopted August 1997) ("the UDP").

Living Conditions

9. The building is located within 400m of dwellings, indeed several of which, including those on Millhouse Street are well within a radius of 200m. Thus its proposed use for livestock housing would be outside of the parameters of the permitted development right for agricultural buildings given in the GPDO. Consequently, the scheme that received deemed consent is only of limited relevance in the assessment of any noise and disturbance caused by cattle housed within the appeal property.
10. I saw at my site visit that other existing open sided large agricultural buildings are closer to the edge of the highway and residential properties than the appeal proposal. At my site visit I did not see any livestock housed within these buildings. However, I am mindful of the comments of the National Farmers Union ("NFU") and the appellant concerning the use of these buildings, and I am therefore persuaded that they could be a source of noise. However, the scale of the appeal building and the amount of cattle it could accommodate would be likely to exacerbate the noise environment to a significant degree.

Due to the building's elevated siting, and lack of intervening structures or significant belts of planting between it and Millhouse Street, I consider that the additional noise created by cattle in the appeal building would be of significant harm to the living conditions of the occupiers of these dwellings. As the corner of the building adjacent to Millhouse Street is open, I do not consider that the orientation of the long open elevation towards the open field would soften these significantly harmful effects.

11. Whilst the use of Twine Farm for livestock is long established, and I concur with the response of the NFU that within a rural environment the sound of cattle would not be an unusual feature, the concentrated nature of the noise created by cattle housed in the building, in such close proximity to dwellings would be likely to be significantly in excess of the background sound of the surrounding environment. This is one of the reasons that the GPDO restricts the permitted development right for buildings to house livestock to sites over 400m from dwellings.
12. I note that the location chosen for the appeal property is dictated to a substantial degree by the landform of the field within which it sits. I am also mindful that economic conditions have changed the nature of the farm's cattle-rearing activities to some extent leading to a requirement for additional livestock housing. However, I am not persuaded that a location more sensitive to the living conditions of adjacent residents could not be provided elsewhere within the landholding.
13. I am aware that the appellant and his family occupies the closest dwelling to the appeal building and does not consider its use for livestock housing to be of detriment to their living conditions. I am also cognisant of the comparatively few objections that mention the noise of cattle as opposed to other sources of noise and disturbance. However, the proposed use of the appeal building, due to its adjacency to Millhouse Street, and its potential to create significant noise and disturbance from the cattle housed within it would be of material harm to the living conditions of that street's occupiers. For these reasons the proposal would conflict with Policies OL4/5, EN1/2 and EN7/2 of the UDP; and the Framework. Taken together, and amongst other matters, these policies seek to ensure that new developments secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

14. The building sits within a Special Landscape Area. It occupies a prominent position within the immediate environs and due to its scale, bulk, and the colour of the materials employed in its construction is a visually intrusive and dominant feature in the context of the largely open surrounding landscape and its generally scattered buildings of more sympathetic scales and facing materials.
15. Whilst the proposal that received deemed consent would be of a slightly lower ridge and eaves height, and would not include the open side facing the field, as in the appeal property, similar materials would be employed in its construction. Whilst the use of the proposal that received deemed consent would not be for the housing of livestock, its visual effects would be similar to the existing property at the appeal site. In fact, due to its more substantial elevational treatments that lacked the open side and corners it would have more bulk, and be more visually intrusive from some viewpoints.

16. Consequently, the visual effects of the building do not result in more significant harm to the character and appearance of the Special Landscape Area than those of the scheme that received deemed consent. For these reasons, whilst I detect some conflict with the objectives of Policies OL4/5, EN1/2 and EN 9/1 of the UDP and the Council's *Development Control Policy Guidance Note 8 New Buildings and Associated Development in the Green Belt* (adopted January 2007), this conflict would be outweighed by the lack of significant harm over and above that of the proposal which received deemed consent.

Ground water contamination

17. The appellant submitted no details with the planning application to suggest how the development of the appeal building would address the risk of ground water contamination. Whilst this means that the appeal scheme is at odds with the objectives of Policies EN7/4 and EN7/5 of the UDP I am persuaded that a suitably worded condition could address these concerns. Consequently, I do not consider that this matter constitutes a reason for refusal for the scheme.

Conclusion

18. I have found that in terms of the Green Belt the building would not be inappropriate, and that the building is not of more material harm to the character and appearance of the area than the scheme which benefits from deemed consent would be. Moreover, I consider that the deficiencies of the scheme in terms of ground water contamination could be controlled by a suitably worded condition.
19. However, the proposed use of the building would be a source of considerable noise that would result in material harm to the living conditions of the occupiers of the adjacent dwellings on Millhouse Street. In this regard, the scheme would conflict with the relevant policies of the development plan insofar as they have been brought to my attention. I attach substantial weight to this harm which, in the overall planning balance, outweighs my findings in respect of the Green Belt, character and appearance of the area and ground water contamination. Consequently, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR



Appeal Decision

Site visit made on 23 August 2016

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 05 September 2016

Appeal Ref: APP/T4210/D/16/3154145

63 Tamworth Avenue, Whitefield, Manchester M45 6UA

- The appeal is made by Su Lawson under section 78 of the Town and Country Planning Act 1990 against a refusal by Bury Metropolitan Borough Council to grant planning permission.
 - The application Ref 60127, dated 12 May 2016, was refused by notice dated 5 July 2016.
 - The development proposed is "First floor extension at side with pitched roof to existing flat roof at rear".
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Decision

1. The appeal is allowed and planning permission is granted for development at 63 Tamworth Avenue, Whitefield, Manchester M45 6UA consisting of the erection of a first-floor extension at the side with a pitched roof to the existing flat roof at the rear, in accordance with the application Ref 60127 dated 12 May 2016 and the plans submitted therewith, subject to the following conditions: -
 1. The development shall begin not later than 3 years from the date of this decision.
 2. The development shall be carried out in accordance with the approved plans, Drawings Nos. LE01 and LE02.
 3. The materials used in the construction of the external surfaces of the development shall match those used in the existing house.

Reasons for the decision

2. The main issue in the appeal concerns the effect the first-floor side extension will have on the appearance of the house and the street scene.
 3. The reason given for refusing planning permission states that the development will conflict with Policy H2/3 of the Bury Unitary Development Plan and with Supplementary Planning Document 6: Alterations and Extensions to Residential Properties. Policy H2/3 lists the factors that will be considered when an application is made for a house extension. They include the extension's external appearance and the effect it will have on the character of the house and its surroundings. Supplementary Planning Document 6 provides advice about house extensions and sets out criteria that will be taken into consideration. In relation to first-floor side extensions, it indicates in Sections 3 and 5 that the
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extension should complement the original house, preserve the general street scene and avoid the appearance of uncharacteristic terracing by setting back the front elevation of the extension by a least 1.5m.

4. In my opinion, the first-floor side extension will not be in conflict with either Policy H2/3 or the advice in Supplementary Planning Document 6. I have reached this conclusion for the following reasons: -
- First-floor side extensions that are not set back are characteristic of the street scene here, there being several other examples nearby.
 - The adjoining semi, No 61, has a similar first-floor extension, which is not set back. The proposed extension will therefore improve the street scene by balancing the appearance of the pair of semis.
 - A terracing effect will not occur, because: (i) the house and the adjoining house, No 65, are at an angle to each other; (ii) No 65 is on higher ground; (iii) No 65's first-floor extension is flat-roofed and a gap will remain above it; and (iv) No 65's first-floor extension will project further forward than No 63's first-floor extension even though No 63's extension will not be set back.
 - The reduction in the extent of the gap between Nos 63 and 65 will not harm the outlook from the street, since the gap at present opens up a view from the street of a large electricity pylon at the rear of the houses.
5. I have concluded that there are insufficient reasons to justify withholding planning permission for the development. The appeal has therefore been allowed and planning permission has been granted subject to the three conditions requested by the Council in this event. These are conditions that are normally imposed in circumstances of this kind.

D.A.Hainsworth

INSPECTOR

Details of Enforcement Appeal Decisions
between 22/08/2016 and 18/09/2016



Location: Land at rear of Warwick House, Hollins Brook Way, Bury BL9 8RR

Case Ref:
0175 / 15

Issue: Extension to rear car park and erection of gate onto Aviation Road

Appeal Decision: Withdrawn 06/09/2016
