

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	19 December 2017
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 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:-

Contact Details:-

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**Planning Appeals Lodged
between 13/11/2017 and 10/12/2017**



Application No.: 61641/FUL

Appeal lodged: 14/11/2017

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Mr Neil Hunter

Location 96 Watling Street, Tottington, Bury, BL8 3QL

Proposal Demolition of existing dwelling and erection of 1 no. new dwelling

Total Number of Appeals Lodged: 1

Details of Enforcement Appeal Decisions
between 13/11/2017 and 10/12/2017



Location: 38 Manchester Old Road, Bury, BL9 0TR

Case Ref:
0111 / 16

Issue: Erection of external staircase

Appeal Decision: Dismissed 08/12/2017

Appeal Decision

Site visit made on 6 December 2017

by B.S.Rogers BA(Hons) DipTP MRTPI

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

Decision date: 08 December 2017

Appeal A Ref: APP/T4210/C/17/3169033

Appeal B Ref: APP/T4210/C/17/3169034

38 Manchester Old Road, Bury, BL9 0TR

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Mr Paul Deaville and Appeal B by Mrs Catherine Ruth Tributsch-Deaville against an enforcement notice issued by Bury Metropolitan Borough Council.
 - The enforcement notice was issued on 11 January 2017.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of an external staircase at the rear of the property.
 - The requirement of the notice is to dismantle and permanently remove the external spiral staircase from the rear of the property including any associated fixtures and fittings.
 - The period for compliance with the requirements is 60 days.
 - The appeals are proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeals are dismissed and the enforcement notice is upheld.

The appeal on ground (c)

2. I am unable to consider the planning merits of the development which have been put forward in this case, as an appeal on ground (c) is concerned solely with whether or not there has been a breach of planning control. Neither the appellants nor the Council have indicated their reasoning as to why this may or may not be a breach of planning control so I shall go on to consider the relevant factors.
3. The development which is the subject of this appeal is the addition of a spiral staircase to the rear of an existing single storey, flat-roofed extension to the rear of the appeal property, an end terraced house. This is a building operation which falls within the definition of 'development' in Section 55 of the Act and would require planning permission unless otherwise permitted by the relevant development order. In this case, the appellants indicate in their comments of 9 July 2017 that the staircase has been in position for approximately 3 years. The relevant order at that time was The Town and Country Planning (General Permitted Development) Order 1995, as amended (GPDO).
4. The relevant part of the GPDO is Class A of Part 1 of Schedule 2 – *The enlargement, improvement or other alteration of a dwellinghouse*. However, in this Class, development is not permitted where the enlarged part of the dwellinghouse would have a single storey and extend beyond the rear wall of

the original dwellinghouse by more than 3m (in the case of a terraced house). In this case, the rear extension is approximately 3m deep and the addition of the spiral staircase has taken the overall depth beyond the 3m limit.

5. The temporary amendment to the GPDO introduced in 2013, which applied at the time the development was carried out, allowed extensions up to 6m deep. However, this required a prior notification procedure to be undertaken by the developer, which did not, to my knowledge, occur in this case.
6. Accordingly, the staircase required planning permission and its erection without permission was a breach of planning control. The appeals must therefore fail.

B.S. Rogers

Inspector