

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	23 January 2018
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:-

Contact Details:-

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**Planning Appeals Lodged
between 11/12/2017 and 14/01/2018**



Application No.: 61656/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Brian Sweatman

Location Land opposite Beech House, Clifton Road, Prestwich, Manchester, M25 3HG

Appeal lodged: 14/12/2017

Appeal Type: Written Representations

Proposal Erection of 1 no. detached bungalow

Application No.: 61683/FUL

Decision level: DEL

Recommended Decision: Split Decision

Applicant: Mr Kristopher Overlunde

Location 20 Prestwich Park Road South, Prestwich, Manchester, M25 9PE

Appeal lodged: 15/12/2017

Appeal Type: Written Representations

Proposal A - Retention of replacement windows to side and rear elevations

B - Retention of replacement windows to front elevation

Total Number of Appeals Lodged: 2

**Planning Appeals Decided
between 11/12/2017 and 14/01/2018**



Application No.: 60599/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Miss Laura Bowman

Location: 88 Bolton Road West, Ramsbottom, Bury, BL0 9PD

Proposal: Change of use from dwelling house to office (Class B1 (a))

Appeal Decision: Allowed

Date: 15/12/2017

Appeal type: Written Representations

Application No.: 61713/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Stuart Wall

Location: 12 Alexander Drive, Bury, BL9 8PF

Proposal: First floor side extension

Appeal Decision: Allowed

Date: 22/12/2017

Appeal type: Written Representations

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: 15 December 2017

Appeal A Ref: APP/T4210/C/17/3173302

88 Bolton West Road, Ramsbottom, Bury, BL0 9PD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Miss Laura Bowman against an enforcement notice issued by Bury Metropolitan Borough Council.
- The enforcement notice was issued on 3 March 2017.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use from a dwelling house to an office (Use Class B1(a)).
- The requirements of the notice are (a) cease the use of the site for the office use (Class B1(a)); and (b) remove all items from the site that are associated with and facilitate the use, including computers, desks, filing equipment.
- The period for compliance with the requirements is 60 days.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed and the notice is quashed.

Appeal B Ref: APP/T4210/W/17/3173304

88 Bolton West Road, Ramsbottom, Bury, BL0 9PD

- 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 Laura Bowman against the decision of Bury Metropolitan Borough Council.
- The application Ref: 60599, dated 2 August 2016, was refused by notice dated 17 November 2016.
- The development proposed is change of use from dwelling house to office (Class B1(a)).

Summary of Decision: The appeal is allowed.

Appeal A, ground (a) and the deemed application and Appeal B

1. The main issues are the impact of the development on the vitality of Ramsbottom Town Centre and on highway safety.

Town Centre Vitality

2. The appeal property is a 2 storey end terraced property on the NW side of Bolton Road West (the A676), at its junction with Alfred Street. This former house has been converted into offices.
3. The relevant development plan comprises the saved policies of the Bury UDP [1997]. Policies EC4 and EC4/1 are supportive of small businesses when of suitable scale, environmentally compatible with their surroundings and where they don't conflict with other policies and proposals in the plan. However, Policy EC5/3 would resist development for further office uses outside town and district centres and sites identified for such use, save for 3 exceptions which do

not appear applicable to the appeal proposal. Other relevant policies seek to ensure no adverse impact on the surroundings, including having regard to car parking and highway safety. Although the UDP is somewhat dated, I see no significant conflict with the aims of the more recent National Planning Policy Framework (NPPF) in relation to this case.

4. The NPPF is supportive of sustainable economic development, whilst ensuring a good standard of amenity for existing and future occupants of land and buildings. Offices are regarded as a main town centre use and a sequential test should be required for applications for such uses. The NPPF states that *"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors (i.e. the impact on public/private investment and on town centre vitality and viability), it should be refused"*.
5. The use is regarded as falling within Use Class B1(a) of the Town and Country Planning (Use Classes) Order 1987, defined *'as an office other than a use within class A2 (financial and professional services)'*. This distinguishes it from offices *'which include the provision of financial, professional or any other services which it is appropriate to provide in a shopping area, and where the services are provided principally to visiting members of the public'*. With a floorspace of around 80m², the development is modest in size – for example, the NPPF sets a default threshold of 2,500m² for impact assessments of such developments outside town centres. This to my mind diminishes the weight that would be attached to a sequential test, in that it is hard to see that the relocation of this use to the town centre would add significantly to its vitality. Moreover, the appeal site is less than 1km from the town centre and is connected to it by a major bus route, with numerous services.
6. Looking at the characteristics of Bolton Road West, whilst the area is predominantly residential, there are numerous retail/commercial properties along the same side of the road as, and within 200m of, the appeal property. These include the B1 office use permitted in 2008 at no.170, which is even further from the town centre. This was approved retrospectively under the same development plan policies, albeit prior to the publication of the NPPF.
7. To my mind, the office use is modest in scale and not incongruous in this location. It provides local employment for 8 people. Its retention would not in my view unduly diminish the vitality of the nearby town centre. Accordingly, I see no significant conflict with the aims of the development plan or the NPPF.

Highway Safety

8. The appellant has indicated there are 8 members of staff working from 0900 to 1700 hours. There is no provision for off-street parking for cars, although secure cycle storage is available in the rear yard.
9. The nub of the Council's objection is that the development gives rise to on-street parking and manoeuvring to the detriment of highway safety. The Council points to a conflict with its parking standards but, rather curiously, has not indicated what level of parking provision the standards would require, either for the current use or for the authorised use as a dwelling.
10. In this locality, parking is generally permitted on the NW side only of Bolton Road West, except around the road junctions. That is the case here, where

there is a parking restriction with double yellow lines running from outside no.92, Bolton Road West, past nos. 90 and 88, and for a short distance into Alfred Street. Beyond this, parking is permitted in Alfred Street, although its narrowness for the first 60m or so effectively limits parking to the SW side only. It is possible to park 2 cars on the SW side of Alfred Street, alongside the flank wall of the appeal property. Around 80m or so to the south of the appeal site is a public car park with 56 spaces, although this was not open at the time of my visit.

11. The appellants indicate that, because of car sharing, 5 staff travel to work in 3 cars, 2 staff walk and 1 cycles; shower facilities are provided to encourage cycle use. The business is not open to members of the public and only seldom does a customer need to visit the premises. The only deliveries are office supplies, usually fortnightly. Bolton Road West is a main bus route with 5 bus services in each direction, served by bus stops in close proximity to the site.
12. In this instance, this is a location very accessible by public transport and means other than the private car. The limited car parking demand generated by this use is during normal daytime working hours when the parking demand by local residents is likely to be at its lowest. Local residents have pointed to problems of congestion due to high parking demand in Alfred Street. However, during my daytime site visit, I observed many vacant spaces nearby on Bolton Road West and have no reason to believe this is atypical. Therefore, other than using the 2 spaces alongside the flank wall of the property, there seemed to me little benefit in trying to park in Alfred Street outside other dwellings where congestion and disturbance might be exacerbated.
13. Given the high accessibility of the site by a variety of means of transport, the limited number of motor vehicles which visit the site and the availability nearby of on-street parking, I consider the use does not give rise to undue levels of car parking that might diminish highway safety. Accordingly, there is no undue conflict with the development plan.

Formal Decision

Appeal A

14. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the use of the land and buildings at 88 Bolton Road West, Ramsbottom, Bury, BL0 9PD, as shown on the plan attached to the notice, for an office (Use Class B1(a)).

Appeal B

15. The appeal is allowed and planning permission is granted for the change of use from dwelling house to office (Use Class B1(a)) at 88 Bolton Road West, Ramsbottom, Bury, BL0 9PD in accordance with the terms of the application, Ref: 60599, dated 2 August 2016, and the plans submitted with it.

B.S. Rogers

Inspector

Appeal Decision

Site visit made on 19 December 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 22 December 2017

Appeal Ref: APP/T4210/D/17/3185574

12 Alexander Drive, Bury, BL9 8PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Stuart Wall against the decision of Bury Metropolitan Borough Council.
 - The application Ref: 61713, dated 6 July 2017, was refused by notice dated 14 August 2017.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension at 12 Alexander Drive, Bury, BL9 8PF in accordance with the terms of the application, Ref: 61713 dated 6 July 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Ground Floor Plan at 1:75; Proposed First Floor Plan at 1:75; Proposed Front, Rear and Side Elevations at 1:100; and Proposed Roof Plan at 1:75 (dated June 2017).
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.

Main Issue

2. I consider the one main issue in this case is the effect of the proposed extension on the character and appearance of the street scene in Alexander Drive and surrounding area.

Procedural Matter

3. The address on the submitted plans is incorrectly stated as Alexandra Drive. It is in fact Alexander Drive.

Reasons

4. The street scene in Alexander Drive is characterised by pairs of similar semi-detached dwellings, with some bungalows. All are fairly regularly spaced, set back behind modest front gardens, and in the main conform to a reasonably

- uniform building line. The area is suburban in character and exhibits no strong prevailing character or especially local distinctiveness.
5. It is proposed to erect a full depth first floor extension above the existing flat-roofed ground floor extension at the side of the property. The side elevation of the extension would be about 20cm from the common boundary with No 14. It would have a hipped roof (in effect an elongation of the existing hipped roof), and materials would match those of the existing dwelling.
 6. Saved Policy H2/3 of the *Bury Unitary Development Plan* (UDP), adopted 1997 seeks to achieve a high standard of design that complements the existing buildings, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.
 7. The Council has referred to the *Supplementary Planning Document 6: Alterations and Extensions to Residential Properties (SPD)*. Section 5 aims to prevent first floor side extensions from causing a terracing effect by requiring a 1.5m set-back to the main frontage or side boundary. It sets out a number of 'exceptions to this 'rule'', although none of these exceptions apply here. However, advice in the SPD should not necessarily be followed prescriptively, and I favour a pragmatic approach in this case which responds to the particular local circumstances.
 8. In this instance the proposed extension would be flush with the front elevation with no set back. As such it clearly conflicts with the SPD. The extension would add to the massing of the dwelling when seen from the road, resulting in greater bulk and a significantly wider frontage. However, a substantial gap to No 14 would still be retained at first floor level, and this would still allow each dwelling to read as a distinct entity and avoid a terracing effect.
 9. At my site visit I also noticed many other examples nearby of similar two-storey and first-floor side extensions in Alexander Drive and Montgomery Drive. Some of these are set back 1.5m in accordance with the SPD requirement, others are set back to a lesser extent, and others (such as No 5 and No 8) are flush with the front elevation (as in the appeal proposal). I note another similar extension on Montgomery Road with no set-back, and another where the set-back was considerably less than 1.5m. Although many of these will have been approved under a different policy regime and prior to the revision of the SPD, when less emphasis was placed on preserving local distinctiveness, they nonetheless form part of, and contribute, to the present day character and appearance of the area.
 10. The Council says allowing the proposal would set a precedent, in that if No 14 was similarly extended in the future it would lead to the uncharacteristic linking up of dwellings and a terracing effect. Whilst I accept this is a possibility, there is no evidence that the occupiers of No 14 intend to extend their property, and I have to assess the proposal based on the current situation 'on the ground'. In any event, given my conclusion regarding the effect of the proposal, I do not consider that a harmful precedent would be set.
 11. The *National Planning Policy Framework* requires local planning authorities to encourage high quality design. However, it also says policies and decisions should not attempt to impose architectural styles or particular tastes, but should concentrate on guiding the development in relation to neighbouring buildings and the area generally. In this case I am satisfied the proposed

extension represents an acceptable design solution that would not materially harm the character and appearance of the street scene in Alexander Drive and area. As such, I find no conflict with saved UDP Policy H2/3.

12. I have considered the conditions put forward by the Council in the light of the advice in the *Government's Planning Practice Guidance*. In addition to the standard time condition, a condition requiring matching materials is needed in the interests of the appearance of the area. A condition to secure compliance with the submitted plans is also needed for the avoidance of doubt and in the interests of proper planning.
13. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR

Details of Enforcement Appeal Decisions
between 11/12/2017 and 14/01/2018



Location: 88 Bolton Road West, Ramsbottom, Bury, BL0 9PD

Case Ref:
0090 / 17

Issue: Change of use from dwelling house to office

Appeal Decision: Withdrawn 15/12/2017
