

# REPORT FOR DECISION

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>24 April 2018</b>
<b>SUBJECT:</b>	<b>PLANNING APPEALS</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</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>- Lodged</li> <li>- Determined</li> </ul> <p>Enforcement Appeals</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</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

**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:-**

David Marno, Head of Development Management  
 Planning Services, Department for Resources and Regulation,  
 3 Knowsley Place ,Bury BL9 0EJ

**Tel: 0161 253 5291**

**Email: [d.marno@bury.gov.uk](mailto:d.marno@bury.gov.uk)**

**Planning Appeals Lodged  
between 18/03/2018 and 15/04/2018**



**Application No.:** 62265/FUL

**Appeal lodged:** 28/03/2018

**Decision level:** DEL

**Appeal Type:** Written Representations

**Recommended Decision:** Refuse

**Applicant:** Bury Dental Practice

**Location** 434 Manchester Road, Bury, BL9 9NS

**Proposal** First floor extension at side with supporting pillar at front/side

---

**Total Number of Appeals Lodged: 1**

**Planning Appeals Decided  
between 18/03/2018 and 15/04/2018**



**Application No.:** 61958/FUL

**Decision level:** DEL

**Recommended Decision:** Refuse

**Applicant:** Mr F & Mrs R Hussain

**Location:** 53 Hampstead Drive, Whitefield, Manchester, M45 7YA

**Proposal:** New front boundary and side fencing and installation of pedestrian gate and double electric gates

---

**Appeal Decision:** Allowed

**Date:** 19/03/2018

**Appeal type:** Written Representations

# Appeal Decision

Site visit made on 16 March 2018

**by N McGurk BSc (Hons) MCD MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> March 2018**

---

**Appeal Ref: APP/T4210/D/18/3195433**  
**53 Hampstead Drive, Whitefield, M45 7YA**

- 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 Fida Hussain and Mrs Romana Hussain against the decision of Bury Council.
  - The application Ref 61958, dated 21 September 2017, was refused by notice dated 16 November 2017.
  - The development proposed is a new front boundary and side fencing, installation of pedestrian gate and double electric gates.
- 

## Decision

1. The appeal is allowed and planning permission is granted for a new front boundary and side fencing, installation of pedestrian gate and double electric gates at 53 Hampstead Drive, Whitefield, Bury, M45 7YA in accordance with the terms of the application, Ref 61958, dated 21 September 2017, subject to the conditions set out in the attached schedule.

## Procedural Matter

2. The development the subject of this appeal has already taken place.

## Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

## Reasons

4. The appeal property is a two storey detached dwelling located in a residential area. It is set back from the street behind a garden/parking area with a small garden to the rear. The dwelling forms one of a row of four detached dwellings, which are built very closely to one another.
  5. The appeal property is located towards the end of a long cul-de-sac, along which are large, tall blocks of what appear to comprise a mix of townhouses and apartments. These are separated from the street by small areas of landscaping and a brick and railing boundary feature, comprising black and gold railings above a low brick wall, with a series of tall brick pillars in between. This brick and rail boundary extends for much of the length of the cul-de-sac and as such,
-

it appears as a dominant feature, drawing the eye as one travels through the cul-de-sac.

6. Further to the above, the height, bulk and scale of development along Hampstead Drive presents a dense, urban townscape, further emphasised by the presence of on street parking, resulting in much of the road through Hampstead Drive itself feeling relatively narrow and enclosed by the buildings around until one reaches towards the end of the cul-de-sac, where the detached dwellings are located and a sense of spaciousness increases.
7. The development the subject of this appeal incorporates a fence and electric gates. For the most part, the fence to the front of the building sits at a similar height to, and is partially obscured by, existing planting. In this way, it relates well to the adjoining boundary treatment of No 51 Hampstead Drive, next door, which largely comprises an attractive hedgerow. Also, the fence and a pedestrian gate appear as modest features, no more striking than the brick and railing boundary that dominates much of Hampstead Drive.
8. Further to the above, I find that the design and materials of the fence and gate have an attractive domestic quality in keeping with the appearance of the host property. There is a significant difference in scale between the tall, dominant apartment/townhouse buildings along Hampstead Drive and the appeal property, and I consider that the development makes a positive contribution to this distinction, adding visual interest within an area that appears more spacious than other parts of the street.
9. The fence to the side of the appeal property appears as the tallest and most striking part of the development, especially when seen from the end of the cul-de-sac, which sits lower in the landscape than the appeal property. To some degree, this part of the fence appears as a dominant feature. However, it is partly obscured by greenery and the Council is satisfied that "it does not have any detrimental effect on the existing street scene."
10. The electric gate itself is quite a wide feature, with two pillars separating it from the rest of the fence. The design matches that of the rest of fence to the front of the dwelling, utilising high quality materials to result in what appears as an attractive feature. Whilst the gate rises slightly towards the middle, such that its centre is a little taller than part of the front fence, it does not reach such a height that it appears unduly dominant. Rather, it has domestic qualities that appear in scale with the host property and in keeping with the property's relatively spacious setting.
11. The related pillars and boundary to a small planting area sit well with the overall boundary treatment, as well as with the host dwelling. In reaching the decision below, I am also mindful that, whilst the boundary treatment appears different to that of much of the development along Hampstead Road, the detached dwellings at the end of the cul-de-sac, of which the appeal property forms one, are themselves very different to the taller, larger blocks of housing elsewhere along the road.
12. Taking all of the above into account, I find that the development sits comfortably in its surroundings, forms an attractive boundary feature and provides for visual interest in an appropriate manner. Consequently, it does not harm the character and appearance of the area and is not contrary to the

National Planning Policy Framework, Bury Unitary Development Plan (1997) Policies EN1/2 and H2/3, and Supplementary Planning Document 6: Alterations and Extensions to Residential Properties (2004, updated 2010), which together amongst other things, seek to protect local character.

**Conditions**

13. I have considered the conditions suggested by the Council against the six tests set out in paragraph 206 of the Framework. A condition relating to the relevant plan is necessary for the avoidance of doubt and in the interest of proper planning.

**Conclusion**

14. For the reasons given above, the appeal succeeds.

*N McGurk*

INSPECTOR

**Schedule of Conditions attached to  
Appeal Decision APP/T4210/D/18/3195433  
53 Hampstead Drive, Whitefield, Bury, M45 7YA**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 0047/11 03 B.
-