

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	22 January 2019
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 10/12/2018 and 13/01/2019**



Application No.: /
Decision level:
Recommended Decision:
Applicant:
Location

Appeal lodged:
Appeal Type:

Proposal

Total Number of Appeals Lodged:

**Planning Appeals Decided
between 10/12/2018 and 13/01/2019**



Application No.: 62865/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Mike Walker

Location: 21 Balcombe Close, Bury, BL8 4PL

Proposal: Three storey extension at rear and increase ridge height of roof to create second floor

Appeal Decision: Dismissed

Date: 02/01/2019

Appeal type: Written Representations

Application No.: 62991/ADV

Decision level: DEL

Recommended Decision: Split Decision

Applicant: Mr Clive Powers

Location: Radcliffe Glass & Windows , 1-3 Lodge Brow, Radcliffe, Manchester, M26 1AL

Proposal: Proposal A: 1 no. non-illuminated hoarding sign along the south east boundary fronting Lodge Road and the south west boundary.

Proposal B: 1 no. non-illuminated hoarding sign along the north west boundary fronting Outwood Road.

Appeal Decision: Allowed

Date: 02/01/2019

Appeal type: Written Representations

Appeal Decision

Site visit made on 11 December 2018

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2019

Appeal Ref: APP/T4210/D/18/3209890

21 Balcombe Close, Brandlesholme, Bury, BL8 4PL

- 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 Mike Walker against the decision of Bury Metropolitan Borough Council.
 - The application Ref 62865 dated 29 May 2018 was refused by notice dated 16 July 2018.
 - The development proposed is described as '1). 2m extension to the rear of the property to increase the kitchen, rear bedroom and bathroom area. 2). Increasing the roof area by removing the existing trusses and installing new purpose designed trusses to create rooms above the first floor. 3). moving of ground floor walls in dining area requiring the downstairs toilet to be moved'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the area.

Reasons

3. The appeal property is a detached two storey dwelling which is located on a cul-de-sac, in a predominantly residential area. The area contains mainly two storey detached dwellings, although there are a number of bungalows situated at the head of the cul-de-sac to the east of the appeal site. The properties are generally closely spaced together, with broadly similar heights amongst the groups of two storey detached and bungalow dwellings respectively. These features, alongside the open frontages, gives the area a cohesive and spacious character.
 4. The proposal seeks an extension across part of the rear elevation. This would extend over two storeys, with further accommodation in the roof space. The proposal also seeks to extend the height of the existing dwelling's roof, which would be at the same height as the roof of the proposed rear extension. The Appellant states the Council have not specifically objected to the rear extension. This would have a limited projection and be sited away from public vantage points along Balcombe Close. The front elevation of the dwelling would also not
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be brought further forward, the appeal building would not be extended sideways and nor would the gap between properties be unduly affected. However, the increase in the ridge height of the dwelling would result in it having a discordant appearance alongside nearby buildings, particularly No. 19.

5. The appeal property has a gable frontage, unlike the other nearby two storey properties. Despite this difference in appearance, the increase in the height and pitch of the roof, would give the appeal dwelling a top-heavy appearance. Although reference has been made to the height of the neighbouring dwelling at No. 23, this is, as the Appellant acknowledges, set back compared to the appeal property and also differs in that it is sited at a higher level. I am also not aware of any similarities in this neighbouring property's roof form compared to the proposal. I do not therefore agree that the development would provide a more balanced look, despite it using matching brickwork. To the contrary, the height and bulk of the roof, even without dormers, would fundamentally alter and not be sympathetic to the character of host property. It would also increase the prominence of the building in the street scene and adversely affect the cohesive and spacious qualities of the area.
6. I conclude that the proposal would cause unacceptable harm to the character and appearance of the host property and the area and would be contrary to Policy H2/3 of the Bury Unitary Development Plan, which seeks, amongst other matters, for house extensions and alterations to have regard to the character of the host property and the surrounding area. It would also be contrary to Supplementary Planning Document 6 *Alterations and Extensions to Residential Properties*, which seeks, amongst other matters, for proposals including roof extensions to preserve the character of the street scene.

Other Matters

7. My attention has been drawn to other properties in the area which the Appellant states have been greatly extended. Whilst I have been provided with some details, I have not been made aware of their full circumstances. In any case, I am required to deal with each appeal on its own merits and can confirm I have determined this case on the basis of the evidence before me.
8. I do not consider the development would unacceptably affect the living conditions of neighbouring residents by way of overlooking or overshadowing. There would also be no effect on parking or trees. These are however neutral considerations and not benefits of the proposal.
9. I appreciate the Appellant is seeking to enlarge their family home and the various benefits of the additional accommodation that have been set out. The Appellant also considers there would be amenity benefits to some neighbouring properties arising from the pitch of the roof changing. These matters, whilst they weigh in favour of the proposal, would not however outweigh the harm that would be caused by the development to the character and appearance of the host property and the area.

Conclusion

10. For the reasons given above and having considered all other matters raised, including reference to the lack of objection from neighbours, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR

Appeal Decision

Site visit made on 11 December 2018

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2019

Appeal Ref: APP/T4210/Z/18/3210689
1-3 Lodge Road, Radcliffe, M26 1AL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Clive Powers (Radcliffe Glass & Windows) against the decision of Bury Metropolitan Borough Council.
 - The application Ref 62991 dated 26 June 2018, was refused in part by notice dated 23 August 2018.
 - The advertisement proposed is described as 'hoarding signs fixed to the existing wire mesh fence, which formed the company's service yard'.
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Decision

1. The appeal is allowed and express consent for the display of the hoarding signs fixed to the existing wire mesh fence, which formed the company's service yard as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Procedural Matter

2. The Council issued a split decision, granting consent for the hoarding signs (identified as Proposal A) along the south-eastern and south-western parts of the site. They refused consent for a hoarding sign fronting Outwood Road (Proposal B). For the avoidance of doubt, this appeal only relates to the advertisement identified as Proposal B.

Main Issue

3. I consider the main issue to be the effect of the advertisement on visual amenity.

Reasons

4. The appeal site includes a showroom building and an area of land utilised as a yard, between Lodge Road and Outwood Road. The buildings along these roads, in the vicinity of the appeal site, are in various commercial and industrial uses. The built form, comprising of brick and cladding as the walling material and corrugated metal on the roofs reflects the uses present and gives the area a commercial character.
 5. The appeal proposal comprises of a hoarding sign that would face Outwood Road. This advertisement would be positioned above a brick wall and would have a height similar to the fence that it would be fixed to. I acknowledge the
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large scale of the proposal, particularly given the length it extends along the road boundary. However, given the scale of the surrounding buildings and the boundary wall on the opposite side of Outwood Road, I do not consider that it would appear overly large.

6. The siting of the advertisement adjacent to the highway is also noted. This would result in the proposal being clearly visible, including from the junction of Outwood Road with Pilkington Way. From this location, it would however be largely seen in the context of taller commercial buildings and an area of land used for car parking. The Council has stated that the proposal would lead to an over accumulation of this type of sign on a small site. Although consent was granted for two advertisements identified as 'Proposal A' on this site, the appeal proposal would not be readily seen alongside the hoarding sign that is orientated to Lodge Road. As such, I do not consider that this appeal advertisement would give rise to unacceptable clutter.
7. My attention has been drawn to local policy and reference has been made to the National Planning Policy Framework. Whilst I have taken them into account as material considerations, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, in my determination of this appeal, these matters have not, themselves, been decisive.
8. The Council have raised a concern that the proposal would create a precedent and allow for an over proliferation of such signs. Each case must be decided on its own merits and any future proposal would also need to be determined accordingly on its own merits.
9. For the above reasons and having regard to all other matters raised, I conclude that the appeal should succeed. I shall impose the five standard conditions set out in the Regulations.

F Rafiq

INSPECTOR