

# REPORT FOR NOTING

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>8 October 2019</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 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 26/08/2019 and 29/09/2019**



**Application No.:** 63243/FUL

**Decision level:** DEL

**Recommended Decision:** Refuse

**Applicant:** Mrs Barbara Young

**Location** Land North of The Garsdale, Woodhill Road, Bury

**Appeal lodged:** 19/09/2019

**Appeal Type:** Informal Hearing

**Proposal** Change of use of land to use as a residential caravan site for two traveller families with a maximum of 4 no. caravans/motor homes, erection of amenity building and laying of hard standing

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**Application No.:** 64357/FUL

**Decision level:** DEL

**Recommended Decision:** Refuse

**Applicant:** Mrs Lauren Cohen

**Location** 408 Bury Old Road, Prestwich, Manchester, M25 1PZ

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**Appeal lodged:** 20/09/2019

**Appeal Type:**

**Proposal** Creation of new vehicular access and driveway

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**Total Number of Appeals Lodged: 2**

**Planning Appeals Decided  
between 26/08/2019 and 29/09/2019**



**Application No.:** 63858/FUL

**Decision level:** DEL

**Recommended Decision:** Split Decision

**Applicant:** Mrs Helen Palfrey

**Location:** 23 Shipston Close, Bury, BL8 1QH

**Proposal:** A: Single storey extension at front  
B: Two/single storey extension at rear

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**Appeal Decision:** Allowed

**Date:** 20/09/2019

**Appeal type:** Written Representations

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## Appeal Decision

Site visit made on 7 August 2019

**by Patrick Hanna MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

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**Appeal Ref: APP/T4210/W/19/3227256**

**23 Shipston Close, Walshaw, Bury BL8 1QH**

- 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 Mrs Helen Palfrey against the decision of Bury Metropolitan Borough Council.
  - The application Ref 63858, dated 25 February 2019 by the Council, was refused by notice dated 18 April 2019.
  - The development proposed is a two-storey/first-floor rear extension and single-storey front extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a two-storey/first-floor rear extension and single-storey front extension at 23 Shipston Close, Walshaw, Bury BL8 1QH in accordance with the terms of the application, Ref 63858, dated 25 February 2019 by the Council, 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: 1 and 2.

### Procedural Matters

2. The appeal relates to a form of 'split decision' by the Council; part of the proposal has been refused and part has been approved. Notwithstanding that the appellant's statement refers to the appeal being against refusal of the rear extension only, under Section 79(1)(b) of the Town and Country Planning Act 1990, the whole proposal is before me and I am not restricted to dealing with only the element that was refused by the Council.

### Main Issue

3. The main issue is the effect of the size and position of the proposed extension on the living conditions of the occupants of No 21 Shipston Close, with particular regard to outlook.

### Reasons

4. The appeal site is a two-storey semi-detached dwelling. There is an existing single-storey extension attached to part of the rear of the dwelling. The appeal

proposal would extend the ground floor extension across the whole width of the dwelling, whilst remaining the same depth, with a two-storey extension again across the whole width, but just 2 metres in depth. A separate single storey porch would also be erected to the front. There is common ground between the parties that the ground floor element of the rear extension and the front porch extension are both acceptable, and I see no evidence that would persuade me otherwise.

5. The Council's adopted Alterations and Extensions to Residential Properties Supplementary Planning Document 6 (SPD) contains guidance for two-storey rear extensions, including advice that they should have a depth of no more than 1 metre, nor thereafter encroach beyond a 45-degree angle. No reasoning is provided for these specific dimensions, but the document is guidance rather than prescriptive policy. Whilst I acknowledge that the proposed development would be in conflict with this guidance, the document does note that flexibility will be applied in certain circumstances.
6. In terms of outlook from No 21, the Council refer simply to the breach of the 1m guidance. No specific harm is identified. With respect to size and positioning, my observations are that, whilst the depth of the first-floor element exceeds guidance, the sense of enclosure created would be modest as well as proportionate to the residential context. From the dining room at No 21, the first-floor extension would be visible from the windows, but such restricted visibility is unlikely to have any adverse effect on the general use of that room.
7. Similarly, the proposal would not have adverse effect on use of the patio, given outdoor activity is typically focused towards sunlight, in this case towards the evening sun to the west and looking away from the proposed extension. Consequently, I find that No 21 would not be unacceptably dominated by the proposed extension, and no harm would be caused to outlook.
8. I therefore conclude that the effect of the size and position of the proposed extension on the living conditions of the occupants of No 21 Shipston Close, with particular regard to outlook, would be acceptable. Consequently, the proposal would accord with saved Policy H2/3 of the Bury Unitary Development Plan, which requires development to have regard to the living conditions of neighbouring properties, amongst other matters.

### **Conditions and conclusion**

9. For certainty I have imposed a condition detailing the approved plans. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

*Patrick Hanna*

INSPECTOR

**Details of New Enforcement Appeals    Lodged**  
**between 26/08/2019 and 29/09/2019**



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**Case Ref:** 19 /0065

**Date of Appeal:** 08/15/2019  
**Appeal Type:** REP

**Location:** 90 Cornwall Drive, Bury, BL9 9EX

**Issue:** Erection of porch

**Case Ref:** 18 /0377

**Date of Appeal:** 05/27/2019  
**Appeal Type:** REP

**Location:** 49 Radcliffe New Road, Whitefield, Manchester, M45 7QZ

**Issue:** Raised decking at rear

**Case Ref:** 18 /0160

**Date of Appeal:** 08/01/2019  
**Appeal Type:** REP

**Location:** 26 Lomond Drive, Bury, BL8 1UL

**Issue:** Erection of fencing

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**Total Number of Appeal Cases: 03**

**Details of Enforcement Appeal Decisions**  
**between 26/08/2019 and 29/09/2019**



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**Location:** 10 Windsor Drive, Bury, BL8 2DB

**Case Ref:**  
0313 / 18

**Issue:** Erection of fencing in rear garden

**Appeal Decision:** Dismissed 23/09/2019

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# The Planning Inspectorate

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MR RYAN GREENWOOD  
10 Windsor Drive  
BURY  
BL8 2DB

Your Ref:

Our Ref: APP/T4210/C/19/3233223

23 September 2019

Dear MR RYAN GREENWOOD,

**Town and Country Planning Act 1990**  
**Appeal by MR RYAN GREENWOOD**  
**Site Address: 10 Windsor Drive, BURY, BL8 2DB**

I am directed by the Secretary of State, to refer to this appeal(s) and to our previous requests for certain information.

You have not submitted the required information in the time notified to you in accordance with s174(4) of the Town and Country Planning Act 1990 and Regulation 6 of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002. Neither have you shown that there are any exceptional circumstances preventing you from submitting that information.

The Secretary of State has decided, therefore, to exercise in this case, the power under s176(3)(a) of the 1990 Act to dismiss an appeal if the appellant fails to comply with s174(4) of the Act within the prescribed time. The Secretary of State hereby dismisses the appeal(s).

Subject to any appeal to the High Court, the enforcement notice issued on 14 June 2019 now takes effect, in accordance with the provisions of s175(4) of the Act.

I draw your attention to s289 of the 1990 Act which provides a right of appeal, to the High Court on a point of law, against an enforcement notice. Any such appeal must normally be made within 28 days of the date of this letter (unless the period is extended by the Court).

A copy of this letter has been sent to Bury Metropolitan Borough Council.

Yours sincerely,

***Enforcement Appeals Officer***

Enforcement Appeals Officer

Authorised by the Secretary of State to sign in that behalf