

REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	01 September 2020
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 20/07/2020 and 23/08/2020**



Application No.: 65460/GPDE

Appeal lodged: 24/07/2020

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Prior Approval Required

Applicant: Mr Nic Kyle

Location 52 Kenmore Road, Whitefield, Manchester, M45 8FS

Proposal Prior notification of proposed single storey rear extension

Application No.: 65474/LBC

Appeal lodged: 03/08/2020

Decision level: DEL

Appeal Type:

Recommended Decision: Refuse

Applicant: Brenda Howcroft

Location 35 Mount Pleasant, Nangreaves, Bury, BL9 6SR

Proposal Listed building consent for 5 no. replacement timber window frames

Total Number of Appeals Lodged: 2

**Planning Appeals Decided
between 20/07/2020 and 23/08/2020**



Application No.: 64981/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Ms Stothard

Location: 7 Miller Street, Summerseat, Ramsbottom, Bury, BL9 5PX

Proposal: Erection of garden shed at front

Appeal Decision: Dismissed

Date: 10/08/2020

Appeal type: Written Representations



Appeal Decision

Site visit made on 4 August 2020

by **Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 August 2020

Appeal Ref: APP/T4210/W/20/3252369

7 Miller Street, Summerseat, Ramsbottom BL9 5PX

- 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 Ms Sally Stothard against the decision of Bury Metropolitan Borough Council.
 - The application Ref 64981, dated 10 December 2019, was refused by notice dated 4 March 2020.
 - The development proposed is described as “retrospective application for the erection of a small garden shed within the front garden to 7 Miller Street.”
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have, for completeness, used the appellant’s full name which is set out on the appeal form in my decision.
3. The description of development in the heading has been taken from the planning application form. Part E of the appeal form states that the description of development has not changed, even though a different description has been entered. This matches the description of development on the decision notice. In any event, I saw that the garden shed had already been erected in accordance with the submitted plans. Based on my observations on site and given the consensus between the main parties, I have considered the proposal based on the description of development found on the decision notice and appeal form.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Brooksbottoms/Rowlands Conservation Area (CA), the setting of the terrace, a non-designated heritage asset (NDHA), and the Green Belt.

Reasons

5. The appeal property is a two storey mid-terrace cottage which forms part of a 19th century terrace within the CA. The site lies in the village of Summerseat which is a named village in the Green Belt. The street extends in front of the terrace, but there is no vehicular access along here or to the rear of the terrace. A car park for residents to use is to the north of the terrace. Each property in the terrace has a modest front garden and no rear garden.
6. The proposal is a limited form of development and would not be a

disproportionate addition over and above the size of the original dwelling. As it lies within the property's front garden, which is screened on either flank boundary, there would be no harm caused to openness. While the Council have referred to saved Policy OL1/3 of the Bury Unitary Development Plan (UDP), the proposal is not infill development that is governed by this policy.

7. During my site visit I saw various sheds or timber structures in the front gardens of neighbouring properties in the terrace. Photographs provided by the Council indicate that they, including the proposal, were present in late 2019. However, it is unclear whether or not these benefit from planning permission or how long they have been in situ. I understand that the Council is investigating them through their planning enforcement function. A further photograph has been submitted by the Council which appears to show that the front gardens of the terraced properties did not have any sheds or timber structures. It is unclear when this photograph was taken, but the Council's evidence suggests that the sheds and structures have been built in the last few years. On this basis, I attach very little weight to their presence and to their role in the special character of the CA and the setting of the terrace.
8. The special character of the CA and in turn the setting of the terrace is linked to the two-character areas which make up the CA; Rowlands and Brooksbottoms. Both areas are joined by narrow roads and tracks and are characterised by a variety of architectural styles. The River Irwell and the East Lancashire Steam Railway line along with the former Brooksbottoms cotton mill (now known as The Spinnings) and terraces of workers cottages reflect the area's industrial past. Outbuildings in front of properties or visible from the public realm is not a characteristic of the CA. The terrace itself is a row of 15 tunnel-back Tudor-Gothic houses with their back to the road and consisting of three spaced-out gables with four-centred arched doorways with label hood moulds, two-light mullioned windows with label moulds on each floor. The central, northern and southern houses have a coped gable and quoined façade with an attic room. Most are rendered and painted white.
9. Due to the shed's siting towards the front of the garden next to the road, it is, despite its modest size, prominent on approach to the site from the north. The front garden may be the only location available and to an extent existing landscaping screens views from the south. However, in its position, the design and the use of timber contrasts starkly with the terrace. The shed has been stained in a dark colour, but this does not alter my view that it has a harmful effect on the character and appearance of the CA. Further planting would not overcome that harm, given that it could not be secured in perpetuity.
10. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework) I consider the harm to the CA to be less than substantial. Even so, this still amounts to a harmful impact which adversely affects the significant of the CA as a heritage asset. The shed does provide storage space for garden equipment, furniture and tools so that the appellant can maintain and enjoy their garden. Given the internal space available, without the shed, this could lead to domestic paraphernalia being openly stored in the front garden. As such, the provision of storage does have a public benefit, though it does also have a private benefit for the occupants of the dwelling. However, the harm to the CA would, to which I attach considerable importance and great weight, in my view, clearly outweigh this moderate public benefit.
11. As the terrace is a NDHA, Framework paragraph 197 calls for a balanced

judgement to be reached about the scale of any harm and the significance of the heritage asset. The appeal scheme has a direct effect on the terrace, although the effect caused lessens to the south. The design and use of materials would, given the siting of the shed, lead to an awkward contrast with the terrace. Notwithstanding the suggestion of further planting, a modest degree of harm would be caused to the significance of the NDHA.

12. Although the proposal accord with saved UDP Policy OL5/2 and Framework paragraph 145 in that the development would not be inappropriate development in the Green Belt, these matters are outweighed by my conclusion that the proposal would not preserve or enhance the character or appearance of the CA or the setting of the terrace. As such, the proposal does not accord with saved UDP Policies EN1/2, EN2/1, H2/3, EN2/2 and OL1/3; Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties; and Framework paragraphs 130, 196 and 197. Jointly these seek, among other things, development to preserve or enhance the special character or appearance of the CA, having regard to its materials, design and relationship with the surrounding area.

Other matters

13. The appellant may have looked at the Council's guidance before erecting the shed and erected it in good faith. However, as the shed is nearer to the highway than the dwelling, planning permission is required. While the appellant has incurred costs in doing so, parties in planning proceedings normally meet their own expenses. I have considered the proposal based on its merits and the evidence before me. Even so, it is open to the appellant to discuss any possible alternative with the Council with a view to finding a solution.

Conclusion

14. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR