

REPORT FOR NOTING

Agenda
Item

6

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	22 February 2022
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:-

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

**Planning Appeals Lodged
between 17/01/2022 and 13/02/2022**



Application No.: 67665/FUL

Appeal lodged: 10/02/2022

Decision level: DEL

Appeal Type:

Recommended Decision: Split Decision

Applicant: Mr Zaffer Hussein

Location 3 Bridgefield Drive, Bury, BL9 7PE

Proposal A: Single storey rear/side extension
B: First floor front extension

Total Number of Appeals Lodged: 1

**Planning Appeals Decided
between 17/01/2022 and 13/02/2022**



Application No.: 66990/FUL

Appeal Decision: Dismissed

Decision level: DEL

Date: 20/01/2022

Recommended Decision: Split Decision

Appeal type: Written Representations

Applicant: Richard Roberts

Location: 1 Dover Close, Tottington, Bury, BL8 4EE

Proposal: A: Conversion of garage roof to pitched; Addition of door to side elevation and sliding doors to rear elevation; Relocation of the entrance door to front elevation
B: Roof extension to existing front dormer



Appeal Decision

Site visit made on 18 January 2022

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2022

Appeal Ref: APP/T4210/D/21/3281936

1 Dover Close, Tottington BL8 4EE

- 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 Richard Roberts against the decision of Bury Metropolitan Borough Council.
- The application Ref 66990, dated 10 May 2021, was refused by notice dated 19 July 2021.
- The development proposed was originally described as '*1st Floor pitched roof extension to the front dormer, the addition of 2 No. En-suites at 1st floor level, the garage roof converted to a pitched roof, relocation of the entrance door to the front elevation, and modifications to the rear and side elevations at ground floor level*'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, the Council changed the wording on the decision letter forming a split decision. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The Council issued a split decision granting planning permission for Proposal A, '*conversion of garage roof to pitched; Addition of door to side elevation and sliding doors to rear elevation; Relocation of the entrance door to front elevation*' and refused the application in respect of Proposal B, '*Roof extension to existing front dormer*'. I am satisfied from the evidence, that the Council do not find Proposal A, to be unacceptable. My deliberations and decision are therefore focused solely upon Proposal B, roof extension to the front dormer.

Main Issues

4. The main issues are (i) the effect of the proposed pitched roof extension to the front dormer on the character and appearance of the host property and the surrounding area; and (ii) the effect of the proposed pitched roof extension to the front dormer on the living conditions of the occupants of No.43 Vernon Road (No.43), with particular reference to light and outlook.

Reasons

Character and Appearance

5. The appeal site is within a predominantly residential area mainly characterised by both detached and semi-detached bungalows. The property forms a pair of semi-detached dormer bungalows of similar appearance and characterised with identical features including front flat roof dormers. The property is positioned at the start of a cul-de-sac and directly opposite are an identical pair of dormer bungalows, whilst the rest of the Close are detached bungalows with single storey protruding front gables. Despite some variation in form, the properties in the area present a discreet arrangement that appreciably contributes towards the local character.
6. The proposed pitched roof extension to the front dormer would result in almost half of the original flat roof dormer having a large pitched roof and significantly protruding out onto the roof slope. Therefore, it would result in a poor mismatch of design to the front elevation and relationship to the existing form of the flat roof dormer. Despite, the footprint of the property not being increased, given the resultant excessive height, width and depth of the proposed dormer it would result in an unbalanced, bulky and dominant addition in relation to the existing front elevation and roof slope.
7. Furthermore, the proposed materials would be unsympathetic as the white cladding would be excessive on the proposed dormer. When this is combined with its overall scale, width, minimal setback and excessive depth across the host property it would appear incongruous and have a negative appearance. Accordingly, it would detract from the character and appearance of the host property and the street scene.
8. For the reasons given above, I conclude that the proposed pitched roof extension to the front dormer would cause significant harm to the character and appearance of the host property and surrounding area. It would conflict with Saved Policy H2/3 of the Bury Unitary Development Plan, 1997, Saved by way of direction 2007, which has regard to the size, shape, design and external appearance of the proposal and the character of the property in question and the surrounding area.
9. I also find it would be at odds with the guidance in the Supplementary Planning Document 6 Alterations and Extensions to Residential Properties, 2010 (SPD6), which requires domestic extensions and alterations to achieve high standards, and seeks to ensure that proposals for dormer/roof extensions preserve the character of the street scene.

Living Conditions

10. No.43 is a detached single storey bungalow and positioned to the side of the appeal site. The rear elevation of No.43 directly faces onto the appeal property and contains a number of openings to habitable rooms. The proposed pitched roof extension to the dormer would result in only a short separation distance between the rear and those windows on No.46. Despite, the appellant advising windows would be frosted to reduce outlook/privacy into the neighbouring property. The dormer extension would not meet the guidance contained in SPD6, which requires extensions to maintain a minimum separation distance of 13m.

11. Therefore, when viewed from the rear windows, in particular the bedroom window of No.43 the extended dormer would appear rather stark, excessive in size and overbearing. It would be viewed as a two-storey side addition when looking up from both the windows and when stood in the rear garden area of No.43. All to the detriment of the existing living conditions and outlook of No.43.
12. Given the position of existing windows and that the proposed dormer is sited on the roof slope, it would be unlikely that there would be any loss of light to the bedroom window to an unacceptable degree. However, this does not outweigh the harm I have found in regard to outlook.
13. For the reasons given above, I conclude that the proposed pitched roof extension to the front dormer would cause harm to the living conditions of the occupiers of No.43, with particular reference to outlook. It would conflict with Saved Policy H2/3 of the UDP, which has regard to the consideration of amenity of adjacent properties. It would also be in conflict with the guidance contained within SPD6, in regard to aspect standards to protect privacy and residential amenity.

Other Matters

14. I acknowledge that the Council issued a split decision for 'Proposal A' and 'Proposal B'. Whilst I have the power to issue a split decision on an appeal, this is discretionary, and I am not obliged to do so. I do not consider that parts of the proposal which are acceptable are physically clearly severable from that part which is not. In this case, the modifications to the garage roof would be attached to the pitched roof extension to the front dormer. Moreover, I do not consider that such a split decision would be clearly and easily defined with reference to the submitted drawings. Therefore, a split decision would not be appropriate in this case.

Conclusion

15. The proposed roof extension to the existing front dormer conflicts with the development plan, taken as a whole and there are no other material considerations, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

K A Taylor

INSPECTOR