

REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	24 January 2023
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:-

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**Planning Appeals Decided
between 05/12/2022 and 15/01/2023**



Application No.: 67368/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Philip Rothwell Development Services

Location: The Coach House, Former Ainsworth Nursing Home, Knowsley Road, Ainsworth,

Proposal: Demolition of existing building to be replaced with 2 no. dwellings

Appeal Decision: Dismissed

Date: 10/01/2023

Appeal type: Written Representations

Application No.: 67692/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: 11 Stars Property Ltd

Location: 1 Hereford Drive, Prestwich, Manchester, M25 0JY

Proposal: Provision of new 2-storey, 2-bedroom corner dwelling with associated site works including soft landscaping, cycle and refuse storage.

Appeal Decision: Dismissed

Date: 16/12/2022

Appeal type: Written Representations

Application No.: 68456/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Hoy

Location: 3 Dumers Lane, Bury, BL9 9PE

Proposal: Proposed dropped kerb with associated landscaping for driveway.

Appeal Decision: Dismissed

Date: 06/01/2023

Appeal type: Written Representations



Appeal Decision

Site visit made on 15 November 2022

by **J Williamson BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 January 2023

Appeal Ref: APP/T4210/W/22/3298500

The Coach House, Former Ainsworth Nursing Home, Knowsley Road, Ainsworth, Bury BL2 5PT

- 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 K Stopforth against the decision of Bury Metropolitan Borough Council.
 - The application Ref 67368, dated 29 July 2021, was refused by notice dated 30 November 2021.
 - The development proposed is demolition of existing building and erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Council has granted planning permission for 2 developments within the site of the former nursing home, Council planning application Refs 68665 and 68661. The main parties were given the opportunity to comment on the relevance of these permissions to the appeal proposal. I have had regard to the comments received in reaching my Decision.

Main Issues

3. The main issues are:
 - whether the proposal constitutes inappropriate development in the Green Belt, having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework),
 - the effect of the proposal on a Non-Designated Heritage Asset (NDHA), namely the former Ainsworth Nursing Home (ANH),
 - the effect of the proposal on the character and appearance of the area, including the Special Landscape Area (SLA),
 - the effect of the proposal on the living conditions of occupiers of an existing neighbouring property, namely The Wash House.

Reasons

Whether inappropriate development in the Green Belt

4. Saved Policy OL1/2 of the Bury Unitary Development Plan, 1997, (UDP), relates to new buildings in the Green Belt. Such development is deemed to be

inappropriate development, unless it is for one or more of the exceptions listed in the Policy. In this regard, the Policy is consistent with the advice outlined in the first sentence of paragraph 149 of the Framework. However, the exceptions listed in Policy OL1/2 do not include all the exceptions listed in paragraph 149. Consequently, I consider Green Belt policies in the Framework, which is a significant material consideration, are the most up-to-date Green Belt policies against which the proposal should be assessed.

5. Like Policy OL1/2 of the UDP, paragraph 149 of the Framework states that the construction of new buildings constitutes inappropriate development in the Green Belt, unless it is for one or more of the exceptions listed. One of the exceptions, sub-paragraph 149 g), is limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, which would, among other things, not have a greater impact on the openness of the Green Belt than the existing development. Hence, as the site comprises PDL an assessment of the impact of the proposal on the openness of the Green Belt is a key factor in determining whether the proposal would be inappropriate development.
6. Both parties are aware that the openness of the Green Belt has both spatial and visual dimensions. I note the appellant's suggestion that the whole of the site of the former ANH should be borne in mind for the purposes of assessing whether the proposed partial redevelopment would have a greater impact on the openness of the Green Belt. However, the former site has been sub-divided into several planning units. I do not have full details of either the whole of the site as it was prior to being sub-divided, or of all development that has been undertaken within each of the separate units since the sub-division occurred. Consequently, even if such an approach was deemed to be the most appropriate, I am not able to undertake an accurate assessment of openness in relation to the whole of the former site. Therefore, the only meaningful assessment of openness I can undertake is of the proposal in the context of the appeal site as it exists.
7. The proposal consists of demolishing an existing single storey building and constructing 2 detached dwellings with associated hard standing/car parking areas, gardens, and boundary treatments. Although the proposed dwellings would have 2 floor levels, one would be within the roof space. Consequently, they would not be substantially different in height to the existing building.
8. There is a tarmac access road that serves the former site. A section of the internal road runs past the northern elevation of the existing building, sited between it and the soft landscaped area and trees that form the northern section of the site. The rear gardens would be created in this area. There is an open, mainly grassed area immediately to the south of the building sited between it and another building, Knowsley House, the only two-storey building of the original buildings within the site. The proposed hard standing/car parking areas would be sited in the existing grassed area between the 2 buildings.
9. The appellant contends that the proposal would result in a 2.1% increase in area, (5.4 sqm), a 15.5% increase in volume (184.8 cu m) and a 5.4% increase in height (0.4 m). The Council has not challenged these figures and I have no substantive reason to do so either. I consider the increases in area and height are very limited and would be barely perceptible.

10. Furthermore, the mass of the proposed dwellings would not be significantly different to the mass of the existing building. The dwellings would form part of a collection of buildings of varying sizes, like the existing building. The layout of the proposed dwellings and their relationship with existing buildings on the wider site would not differ significantly to the existing layout. Therefore, although the increase in volume would not be insignificant within the context of the size of the existing building, for the reasons outlined I conclude that the proposed development would not have a greater impact on the spatial openness of the Green Belt than the existing.
11. The wider site of the former nursing home is some distance from the nearest neighbouring properties, and it is bounded by trees that are protected under a blanket Tree Preservation Order (TPO). Consequently, the impact of the proposal on the visual openness of the Green Belt would primarily be restricted to within the curtilage of the former nursing home. When viewed from within the site the proposed dwellings would be mainly seen against the backdrop of either other buildings or mature trees. Due to the position of the appeal site within the wider site, ie located north of the tallest buildings within the site (Knowsley House and The Bungalow), when approaching the site along the access road the proposed dwellings would be barely visible. Additionally, due to the presence of the trees around the site, there would only be glimpses of the proposed dwellings from public rights of way within proximity of the site.
12. I note that the Council raised some concerns regarding the impact of the proposed hard-standing and boundary treatments on the openness of the Green Belt. However, the area of the existing tarmac service road that exists to the north of the existing building would become rear gardens associated with the dwellings. As such, the tarmac could be removed and replaced with soft landscaping. Additionally, details and materials suitable to the rural location could be used for the proposed car parking areas and boundary treatments. Details relating to these issues could have been secured by conditions, should I have been allowing the appeal.
13. For the reasons outlined, I conclude that the proposal would not have a greater impact on the visual openness of the Green Belt than the existing.
14. As I have found that the proposal would not have a greater impact on the spatial or visual openness of the Green Belt, I conclude that the proposal would not constitute inappropriate development in the Green Belt. The proposal therefore accords with the most up-to-date, relevant Green Belt policies as outlined in the Framework. Consequently, very special circumstances are not required to justify the development.

Effect on a NDHA

15. The appeal building is one of a collection of buildings located within the wider site known as the former ANH. It is my understanding that the development across the wider site, and not just the appeal building, is what the Council consider to be the NDHA. I note that the former ANH is included on a draft local list of NDHAs. As the local list has not been through a process of public consultation, I do not attach maximum weight to it. Furthermore, I have not been provided with a description of the listing from the local list, despite having requested one. Nevertheless, these matters do not mean that the former ANH is not a NDHA.

16. A Heritage Assessment (HA) was submitted with the appeal proposal¹. This report primarily confined itself to an assessment of the Coach House, and not the wider site of the former ANH. Consequently, I consider its findings do not take full account of the NDHA as a whole and the contribution the Coach House makes to it.
17. The appellant also submitted a copy of a HA associated with a separate planning application within the wider site². As this assessment was undertaken for a different planning application, the Council consider the document not to be material to the appeal. However, although the document was for a separate application, it does include reference to the wider former ANH site, and not just the site of the planning application it was submitted in support of. I therefore consider it to have some relevance and have taken account of its contents in reaching my Decision. I agree with the conclusion reached in the HA by Townscape that on heritage grounds, the buildings as a group meet the criteria to be considered as a NDHA.
18. Paragraph 189 of the Framework advises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Paragraph 203 advises that the effect of an application on the significance of a non-designated heritage asset should be considered in determining applications; and in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset.
19. The site of the former ANH now includes 5 of the original buildings that date from the early 20th Century, when they were erected to create a smallpox isolation hospital. The 5 buildings are the appeal building, now known as the Coach House, The Wash House, Knowsley House, Pavilion Block and Gate House. Although these buildings have been altered and extended to varying degrees, they have retained a coherence, derived from their layout, some design features, and their external materials. The dwelling known as The Bungalow, located towards the southern boundary of the site and east of the access point, was a later addition and not constructed in the style of the original buildings referred to.
20. Thus, the tallest building, Knowsley House (originally the administration block), is sited towards the centre of the site, and the other, lower-level buildings are positioned subordinately around it, off the internal road. Except for the Pavilion Block, the roofs of the original buildings are primarily hipped. The window openings on all buildings mainly have a vertical emphasis. The presence of brick stacks in most of the buildings and tall chimneys add vertical emphasis to them. The arched main door opening on the Coach House, which is a particular feature of the building, is reflective of the arched main door opening on Knowsley House. The main entrance to the Gate House is also arched, though with less detailing than the doorways referred to on Knowsley House and the Coach House. The buildings are mainly constructed of red brick with slate roofs, terracotta ridge tiles, red brick headers and terracotta cills. Such features give the collection of original buildings that constitute the NDHA a distinctive character and appearance that retains legibility.

¹ Coach House, Ainsworth Hospital: Heritage Assessment, The Archaeology Co, April 2021.

² Heritage Assessment: Ainsworth Care Home, Townscape, April 2021 – Council Ref 67342

21. Although there have been internal alterations to the Coach House, as concluded in The Archaeology Co HA, the basic plan form of the building is still readable. I agree with the view of the Council that with removal of the unsympathetic extension, the building would retain legibility as part of the group of buildings within the wider site, despite the internal alterations that have occurred.
22. The Council contend that the smallpox hospital is the only one of its type within the Borough, and I have no substantive reasons to question this. The contribution it made to the efforts to contain smallpox and the development of health care provision within the area is deemed, by the Council, to be of local importance. As such, I consider the NDHA as a whole, which includes the contribution the Coach House makes to it, to have some local historical significance. Although the HA of The Archaeology Co concluded that the historical value of the Coach House is low, it was noted in the HA that other buildings within the wider site have more merit.
23. As I concluded above, I consider the collection of buildings to have a distinctive character and appearance, and it is the group value that determines the heritage significance of the NDHA, not the aesthetic value of the Coach House alone. I also accept the Council's view that, regardless of the wider site not being generally accessible to the public, any associations of the hospital site within the local population give the NDHA some communal value.
24. Taking account of all the evidence submitted, for the reasons outlined above, which describe what I consider to be the factors that contribute to the heritage significance of the NDHA, I consider the overall level of historic significance is somewhere along the low-medium continuum. As such, I consider the loss of the building would have a limited impact on the NDHA, but nonetheless an impact that would erode the heritage significance of the NDHA overall.
25. That said, I am not persuaded at this point that ultimately loss of the building could not be mitigated against. However, I consider the scheme proposed is not of sufficient design quality to mitigate against the loss.
26. Thus, the creation of 2 detached buildings to replace the existing single oblong block erodes legibility of the former ANH site. The use of gable ends and a strong central gable feature on one of the buildings, rather than a hipped roof design in keeping with the roofs of the buildings one would pass en-route to the site via the access road, ie the Gate House, Knowsley House and The Wash House, would result in the proposed dwellings competing for presence with original buildings within proximity of the appeal site. Additionally, the horizontal emphasis of the proposed fenestration contrasts with the predominantly vertical emphasis of fenestration on the original buildings. Finally, the use of some of the proposed external materials, such as 'K' Rend render and stone headers and cills, would contribute to highlighting the differences between the original buildings and the proposed dwellings. Consequently, the proposed dwellings would clash with rather than harmonise with the original buildings on the wider site.
27. In summary, for the reasons outlined I conclude that loss of the Coach House would harm the significance of the NDHA and the proposed development would not mitigate against the loss. As such, the proposal does not accord with heritage policies in Chapter 16 of the Framework, which require developments to be sympathetic to local history and to protect heritage assets.

Effect on the character and appearance of the area, including the SLA

28. Although I have not been provided with details of the features that contribute to the SLA within which the site is located, as no landscape features would be removed or significantly altered, I conclude that the proposal would not harm the character or appearance of the SLA. However, due to the detrimental impact the proposal would have on the NDHA, I consider it would adversely affect the character and appearance of the localised area of the former ANH site. Consequently, the proposal does not accord with Policy EN1 of the UDP, which seeks, among other things, to protect, preserve and enhance the character and appearance of the Borough's built environment. Nor does it accord with policies in Chapter 12 of the Framework which require high quality design and developments to be sympathetic to local character and history.

Effect on the living conditions of occupiers of the existing neighbouring property, The Wash House

29. The proposal would include 3 habitable room windows sited on the western facing elevation of House number 1. Two of the windows would be secondary windows serving a lounge and the other one would be a secondary window to a bedroom. These 3 windows would be located only between 7-8 m from habitable room windows located on the eastern facing elevation of the dwelling immediately west of the site, ie The Wash House, which I observed during my site visit is now inhabited. At such a close distance I consider the proposal would harm the living conditions of existing occupiers of The Wash House with respect to privacy.

30. I note that the Council suggests this issue could be overcome by amendments to the plans, which would be one way of addressing the matter. However, the use of planning conditions is also a legitimate means of overcoming issues that would otherwise make a proposal unacceptable in planning terms. In this case, should I have been allowing the appeal, I consider a suitable condition could have been attached requiring the 3 windows to be non-opening and obscure glazed, which would overcome the concern.

31. I therefore conclude that, subject to a condition as suggested, the proposal would not unacceptably harm the living conditions of occupiers of the existing dwelling The Wash House. As such, the proposal accords with Saved Policy H2/1 of the UDP, which requires, among other things, proposals for new development to consider the impact on the living conditions of occupiers of existing properties.

Other Considerations, Planning Balance & Conclusion

32. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.³

33. In one of the applications the Council recently granted permission for within the wider site, Ref 68661, the Council's appraisal included consideration of its current supply of housing land. The appellant therefore suggests that this matter should be considered in respect of the appeal, and I agree.

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

34. Parties were given the opportunity to agree what the Council's 5-year housing land supply is (5YHLS). The Council state that the current 5YHLS is 2.3 years. I have not been provided with any evidence from the appellant challenging this figure.
35. Sub paragraph 11 d) of the Framework advises that, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted, unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
36. Footnote 8 of the Framework confirms that, in essence, where a local planning authority cannot demonstrate a 5YHLS the development plan policies that are most important for determining the application are deemed to be out-of-date, which applies in this instance. Footnote 7 of the Framework outlines the areas and assets of particular importance that policies in the Framework seek to protect. NDHAs do not feature in the list. In light of these matters, sub paragraph 11 d) ii. is engaged.
37. I consider the extent of the shortfall, ie 2.7 years, to be considerable. Although the proposal would only provide 2 dwellings it would help, all-be-it to a small degree, to meet the Government's objective to boost the supply of housing. Within the context of the extent of the 5YHLS shortfall, I attach moderate weight to this social benefit in favour of the proposal.
38. I consider the proposed development would provide some economic benefits, mainly during the construction phase. However, due to the small-scale nature of this benefit, I attach limited weight to it.
39. I have concluded that the proposed development would not be inappropriate development in the Green Belt and that it would not harm the character or appearance of the SLA or the living conditions of occupiers of the existing neighbouring property, The Wash House (subject to conditions, should I have been allowing the appeal). Notwithstanding my conclusions on these matters, due to the harms I have found the proposal would have on the NDHA and the character and appearance of the localised area of the former ANH, and my conclusion that the proposed development would not mitigate against the loss of the Coach House, I consider the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
40. Consequently, there are no other considerations, including the Framework, that lead me to conclude other than in accordance with the development plan, which the proposal does not accord with as a whole. I therefore conclude that the appeal is dismissed.

J Williamson

INSPECTOR



Appeal Decision

Site visit made on 8 November 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/T4210/W/22/3303523

1 Hereford Drive, Prestwich, Manchester M25 0JY

- 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 I Fogel (11 Stars Property Ltd) against the decision of Bury Metropolitan Borough Council.
 - The application Ref 67692, dated 19 October 2021, was refused by notice dated 18 February 2022.
 - The development proposed is described as 'Provision of new 2-storey, 2-bedroom corner dwelling with associated site works including soft landscaping, cycle and refuse storage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice lists 3 reasons for refusal. Reasons 1 and 2 include reference to a proposed access on Hereford Drive being inadequate and having a detrimental effect on highway safety and the health of highway trees.
3. The Government provides advice on what information should be included on a location plan in the Planning Practice Guidance (PPG). The PPG stipulates that: "The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site."
4. The submitted site location plan identifies the application site in red and the adjoining area which includes 1 Hereford Drive in blue. This plan shows a potential future parking space for a car and a potential vehicular access for No 1, outside of the application site, and within the area that has a blue line drawn around it.
5. The potential new vehicular access and parking space for No 1 is also not included in the description of the proposed development in the planning application form. Accordingly, I do not consider them to form a part of the proposed development and I have not assessed the effect of these on highway safety and the future health of nearby trees in my decision.

Main Issues

6. The main issues are therefore:

- Whether the proposed development would provide acceptable living conditions for future residents, with particular regard to outlook and garden size.
- The effect of the proposed development on highway safety in respect of car parking provision.

Reasons

Living Conditions

7. The appeal relates to the irregular shaped side garden area of 1 Hereford Drive, which is a 2 storey detached dwelling. It is situated on a prominent corner location next to the junction of Hereford Drive and Tewkesbury Drive. The surrounding area is residential, predominantly comprising a mixture of 2 storey detached and semi-detached properties.
8. It is uncontested between the main parties that there would be around 110m² of private amenity space provided. Nonetheless, the irregular shape and angled rear boundary line of the appeal site is such that the proposed dwelling would have a much smaller private rear garden than other dwellings in the area.
9. According to the Council's uncontested measurements the distance between the proposal's rear elevation and the 2 storey side elevation of 39 Tewkesbury Drive, would only be around 2.5 metres at its closest point. It is also not in dispute that the proposed rear garden area would only be approximately 6.5 metres long at its greatest point, and I have no substantive reason to question these figures.
10. Given the relatively small size of the proposed intervening back garden and the proximity to the facing ground and first floor rear windows of the proposed dwelling, No 39 would present a substantial elevation along the shared boundary. Its mass and bulk would therefore visually dominate the outlook and have an oppressive, enclosing and overbearing effect from the rear windows of the proposed dwelling and its back garden area.
11. The relationship between the buildings would fall markedly short of the recommended interface distances contained within the Council's 'Alterations and Extensions to Residential Properties' Supplementary Planning Document 2010 (SPD6). Whilst this does not specifically refer to new dwellings, it provides useful Council guidance and logical considerations in respect of over-development and the protection of neighbour amenity. Consequently, and in the absence of detailed planning policies in respect of garden sizes and separation distances, I consider it reasonable to have regard to this document.
12. The appellant's willingness to accept planning conditions for details of the hedging to be retained and additional planting along with an alternative location for bin storage are noted. However, this would not provide sufficient mitigation to overcome the harm that I have identified.
13. As such I am unable to find that the proposed development would provide acceptable living conditions for future residents, arising from the lack of outlook, and garden size. Conflict would thereby arise with Policies H2/1, H2/2,

and H2/6 of the Bury Unitary Development Plan 1997 (UDP). These require, amongst other matters, for the impact of developments on residential amenity and neighbouring properties to be considered. It would also not accord with advice contained within SPD6.

Highway Safety

14. UDP Policy HT2/4 requires developments to make adequate provision for their car parking and servicing requirements in accordance with the Council's car parking standards. Although the appellant refers to Appendix 4 of the UDP, the Council's current car parking standards are detailed within the Development Control Policy Guidance Note 11: Parking Standards in Bury 2007 (SPD11).
15. SPD11 sets out maximum standards for car parking in the borough. For 2 bedroom dwelling houses, such as the proposal, 1.5 spaces are required to be provided. SPD11 also advises that for a 4 bedroom dwelling, such as at No 1, three spaces should be provided.
16. The appellant accepts that No 1's existing 2 off street parking spaces would be lost to make way for the proposed development, and that the proposed dwelling would provide only 1 parking space. However, a parking survey has been commissioned in an attempt to demonstrate that there is sufficient on-street car parking availability close to the appeal site to accommodate demand generated by the proposal. The parking survey found that there is a total of 63% on-street car parking stress in the vicinity of the site. The appellant contends that this is well below the 90% maximum, where it could be considered to be an issue.
17. However, the survey data appears to have only been taken over a very short period of time (at 00:30 hours) on 1 Friday night in July. It also covers an extensive 200 metre catchment area, including many streets which would not be in view of No 1 and the proposed dwelling. For this reason, I consider it to be unlikely that future residents and the occupiers of No 1 would park their vehicles in many of these streets. As a consequence of the very limited period of survey work, and the extensive catchment area, I am not satisfied that the appellant's parking survey to be comprehensive or robust. As such, I am unable to conclude that the data within the survey is representative of the general level of car parking that currently takes place in the surrounding area.
18. At the time of my mid-morning site visit I saw that Hereford Drive and Tewkesbury Drive, were lightly trafficked, with some on-street parking. Nonetheless, I recognise that this may have been a snapshot in time and I am mindful of the representations that have been received from local residents, which suggest that on-street car parking already causes significant problems in regards to accessibility and manoeuvrability along these roads. I also understand that this situation would be likely to be intensified in the evenings and at weekends, when residents are more likely to be at home, and understandably seek to park at or near their place of residence.
19. Insufficient evidence has therefore been advanced to demonstrate that the proposed development would provide adequate car parking provision and avoid vehicles parking and manoeuvring on the highway to the detriment of highway safety. As such it would conflict with UDP Policies HT2/4 and HT6/2, which require, among other things, that developments make adequate provision for their car parking requirements and to reduce pedestrian/vehicular conflict.

20. Furthermore, paragraph 111 of the National Planning Policy Framework (the Framework) indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. For the reasons provided above, I have found this to be the case in this instance.

Other Matters

21. The appellant has put forward that the proposal would be an efficient use of land, in a highly sustainable location. However, as the proposal is for a single dwelling any benefits in these respects would be somewhat limited. The proposed development would also make a contextually very small contribution to housing supply which, according to the uncontested view of the Council, appears to be in excess of the 5 years required by the Framework.
22. I am also aware that the appeal site is not located in a conservation area and that the Council found the effects of the proposal on the character and appearance of the area to be acceptable. Secure cycle, refuse and recycling storage would also be provided. Nonetheless, the absence of harm in these respects are neutral factors which do not weigh in favour of the development.
23. In reaching my findings I have also taken account of the appellant's reference to other sections of the Framework. However, neither these or any of the other matters above would overcome or outweigh the significant harm that I have identified in respect of the main issues of this case.

Conclusion

24. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR



Appeal Decision

Site visit made on 3 January 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2023

Appeal Ref: APP/T4210/D/22/3307662

3 Dumers Lane, Bury BL9 9PE

- 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 Jonathan Hoy against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68456, dated 13 May 2022, was refused by notice dated 28 July 2022.
 - The development proposed is 'a dropped kerb and driveway at the front of our property'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description in the banner heading above is taken from the planning application form. It was accompanied by an extensive justification for the proposal. I have subsequently removed those elements which were superfluous to describing the 'development' for which planning permission was sought.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the locality and highway safety.

Reasons

Character and appearance

4. The site is a semi-detached dwelling set behind a front garden enclosed by a brick wall and pedestrian gateway. It is one of 4 similarly designed houses fronting on to Dumers Lane (A6053) close to a signalised junction with Manchester Road (A56). In the area there are grouped buildings of mixed ages and styles. There are various forms of front boundary enclosures, however, the majority are low masonry walls. These form the characteristic means of enclosure in the area.
5. There is little detail on the submitted plans to show the extent of the front wall which would be removed; whether the existing characteristic gate pillars would be retained or relocated, or, how the hardstanding area would be graded. The existing front garden is raised above the pavement such that some releveling of the proposed parking area would be necessary to provide the vehicular access.

6. The replacement of the existing hard and soft landscaping with hard surfacing and the demolition of some, if not all, of the front boundary wall would remove some of the original character of the site and its contribution to the small group of similar properties. In the context of the mixed nature of development in the locality the individual effect would be minor. However, when seen in conjunction with existing examples where original walls and frontages have been removed without compensation to the loss of visual interest, or if repeated elsewhere, the detrimental effect on the character and appearance of the locality would be more considerable.
7. Whilst single width driveways are evident in the area and other properties have formed parking areas utilising former garden areas, these are in the minority on this part of Dumers Lane. They are not therefore a strong argument in favour of a proposal that would cause harm to the character of the existing property or cumulative harm to the wider area. Other properties benefitting from original driveways retain landscaping elements which contribute to the greening of the local streetscene.
8. In support of the proposal the appellant asserts that existing landscape elements could be removed without consent. However, there is little to demonstrate that this would be a realistic proposition if planning permission were refused, or that any adverse effects would be comparable to those arising from the proposed development. I am not therefore persuaded that this is a strong argument in favour of the proposal.
9. Despite the limited information provided, I find the removal of the existing landscaping and part, if not all, of the boundary wall would cause harm to the original character of the row of houses and be detrimental to the quality of the streetscene. It would thereby conflict with saved Policy H2/3 of the Bury Unitary Development Plan [1997] (the UDP) and the advice contained in the adopted and amended Supplementary Planning Document 6: Alterations and Extensions to Residential Properties (SPD) as they seek alterations to properties to be of a high standard and sympathetic in nature with the original building and surrounding area.

Highway safety

10. According to the appellant's submitted drawings, the area forward of the main elevation would be some 4.5m deep and 7m wide. However, it is unclear as to whether this accounts for the projecting front bay which does not seem to be represented on the plans. For perpendicular parking, the forecourt depth would be below the 5m minimum parking space length advocated in the SPD. Although it may be possible to accommodate small vehicles in this manner, this would result in a requirement for family-sized vehicles to be parked diagonally across the site to avoid obstruction of the adjacent footway.
11. Despite the position of the projecting bay and the presence of a lighting column adjacent to the frontage wall, I have little doubt that angled parking for a single vehicle could be achieved on the area. However, due to the limited space, this would require reverse manoeuvres either into or out of the site.
12. At the time of my site visit, albeit a snapshot in time, the A56 and A6053 were observed to be well trafficked with queuing regularly occurring during the respective restrictions in flows through the signal-controlled junction.

13. The site lies a short distance beyond a give way marking to a filter lane providing for left turning traffic into Dumers Lane from the northbound carriageway of the A56. On the opposite side of Dumers Lane, the frontage lies between the junction with Wellfield Close, a residential cul-de-sac, and a northbound filter lane and the wait line for Dumers Lane traffic turning southwards on to the A56 or across the junction into Millwood Court.
14. For vehicles emerging from the site, the angled arrangement for parking would not provide optimum visibility for drivers. However, given the width of the roadside pavement and the low boundaries at the neighbouring sites, visibility to pavement users or cyclists in the nearside lane would be similar or better than those achievable on other driveways in the locality. This would adequately limit risk to those road users.
15. For vehicles turning out, the pause in traffic on the nearside lane of Dumers Lane caused by the 2-phase operation of the main junction would assist in reducing the potential for vehicle conflicts. Visibility along the main carriageway, would be largely unobstructed due to the parking and loading restrictions on this section of the road. Views to eastbound traffic on Dumers Lane and that emerging from the junction with Wellfield Close would provide for adequate visibility when emerging from the site.
16. Whilst the pause in traffic flow from the A56 may also assist drivers pulling into the site from the eastbound carriageway, this benefit would not necessarily apply to those arriving at the site from the direction of the main north-south route. Slowing to turn into the site, waiting or reverse manoeuvring from the main carriageway onto the proposed hardstanding would be in close proximity to the give way marking on the northbound filter lane. At the time of my site inspection, I observed that, rather than focussing on forward visibility, drivers using the filter lane were preoccupied with looking to their right to check for safe emergence on to Dumers Lane against the traffic turning right from the southbound carriageway of the A56.
17. I also saw that the geometry of the filter lane resulted in traffic speeds through the junction that were relatively high. In conjunction with the propensity for drivers to be looking northwards and expect leading traffic to continue, even accounting for a continuous or a re-engaged left turn signal, I find this would be a particular hazard arising from accessing the site in such close proximity to the busy junction. This risk would be highest at peak times.
18. I note the appellant's contention that reversing into the driveway could be carried out when traffic on the A56, including the filter lane, is halted. I agree that, subject to a satisfactory arrangement for a suitable crossing and site entrance, the risk could be minimised in this manner. To reduce the identified hazard above, this would require vehicles approaching to pull up some distance from the give way markings, then carry out the manoeuvre. However, against the phasing of the traffic lights, the time taken to carry out the manoeuvre would be dependent on several factors. This would include the detailed design of the frontage arrangement and clarification as to whether this involved removal or relocation of the lamppost. In the absence of such detail and pursuant to my finding in relation to impacts on the character of the locality above, there is little to demonstrate that this could be achieved to effectively reduce the identified risk to highway safety near the site.

19. The provision of parking within the site would provide the benefit of safe embarkment/dis-embarkment of young children without the necessity to walk to other parking locations alongside or across Dumers Lane. It could also reduce on-street parking pressure elsewhere. However, I find that any benefits therein would be substantially offset by the elevated highway risk identified above.
20. The claim that some neighbouring occupiers on Dumers Lane have utilised existing driveways without risk to highway safety is noted. However, as they are located either within or further from the filter lane, their circumstances are distinct from the appeal case.
21. Notwithstanding my finding that parking for a single vehicle could be provided on the site frontage without impeding users of the adjacent footway, I find that the proposed alterations and arrangement in close proximity to a major junction would cause significant harm to highway safety in the locality. It would conflict with Policy H2/3 of the UDP and the SPD as they seek to ensure suitable standards of visibility for drivers of motor vehicles in the interests of highway safety.

Other Matters

22. The plans detail imprinted concrete as the proposed surface of the vehicle hardstanding. As an impervious form of ground cover on a sloping site, this could discharge surface water onto the highway. However, an alternative porous construction or intercept channel and soakaway could prevent this. These are matters which could be addressed through planning conditions to accord with the guidance in the SPD.
23. I recognise that a landscaping condition could mitigate part of the effects of the removal of the existing garden and wall. However, as any requirement to mitigate the effects of the development on the character and appearance of the locality could prejudice the ability to adequately park or manoeuvre vehicles on the site frontage, it could therefore nullify the benefit of the planning permission it was attached to. This would fail the tests set out in Paragraph 56 of the National Planning Policy Framework. It is not therefore a viable option in the appeal decision.

Conclusion

24. Notwithstanding my finding in favour of the appellant in regard to the safety of pavement users, I do not consider that this or the other considerations presented by the appellant outweigh the totality of the harm to the character and appearance of the locality or other highway safety concerns. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR