

REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	26 September 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:-

Contact Details:-

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**Planning Appeals Lodged
between 21/08/2023 and 14/09/2023**



Application No.: 69252/FUL

Appeal lodged: 24/08/2023

Decision level: DEL

Appeal Type:

Recommended Decision: Refuse

Applicant: Lucia Cronin

Location 120 Railway Street, Summerseat, Ramsbottom, Bury, BL9 5QD

Proposal Build up walls of existing single storey rear extension with replacement flat roof with glass lantern; Alterations to windows/doors and new window opening to side elevation and Dormer and new rooflight at rear

Total Number of Appeals Lodged: 1

**Planning Appeals Decided
between 21/08/2023 and 14/09/2023**



Application No.: 68439/FUL **Appeal Decision:** Allowed
Decision level: DEL **Date:** 31/08/2023
Recommended Decision: Refuse **Appeal type:** Written Representations
Applicant: BT Telecommunications Plc
Location: Pavement at Princess Parade, near Bury Interchange Stand E, Bury, BL9 0QL
Proposal: Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.

Application No.: 68440/ADV **Appeal Decision:** Allowed
Decision level: DEL **Date:** 31/08/2023
Recommended Decision: Refuse **Appeal type:** Written Representations
Applicant: BT Telecommunications Plc
Location: Pavement at Princess Parade, near Bury Interchange Stand E, Bury, BL9 0QL
Proposal: Advertisement consent for installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.

Application No.: 68443/FUL **Appeal Decision:** Allowed
Decision level: DEL **Date:** 31/08/2023
Recommended Decision: Refuse **Appeal type:** Written Representations
Applicant: BT Telecommunications Plc
Location: Pavement outside 25 The Rock, Bury, BL9 0JP
Proposal: Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.

Application No.: 68444/ADV **Appeal Decision:** Allowed
Decision level: DEL **Date:** 31/08/2023
Recommended Decision: Refuse **Appeal type:** Written Representations
Applicant: BT Telecommunications Plc
Location: Pavement outside 25 The Rock, Bury, BL9 0JP
Proposal: Advertisement consent for installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.

Application No.: 68445/FUL **Appeal Decision:** Dismissed
Decision level: DEL **Date:** 31/08/2023
Recommended Decision: Refuse **Appeal type:** Written Representations
Applicant: BT Telecommunications Plc
Location: Pavement between Racconto Lounge and Fone Tech, The Rock, Bury, BL9 0PJ
Proposal: Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.

Application No.: 68446/ADV
Decision level: DEL
Recommended Decision: Refuse
Applicant: BT Telecommunications Plc

Appeal Decision: Dismissed
Date: 31/08/2023
Appeal type: Written Representations

Location: Pavement between Racconto Lounge and Fone Tech, The Rock, Bury, BL9 0PJ

Proposal: Advertisement consent for installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks

Application No.: 68449/FUL
Decision level: DEL
Recommended Decision: Refuse
Applicant: BT Telecommunications Plc

Appeal Decision: Dismissed
Date: 31/08/2023
Appeal type: Written Representations

Location: Pavement opposite Frankie & Benny's, 15-17 The Rock, Bury, BL9 0JY

Proposal: Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.

Application No.: 68450/ADV
Decision level: DEL
Recommended Decision: Refuse
Applicant: BT Telecommunications Plc

Appeal Decision: Dismissed
Date: 31/08/2023
Appeal type: Written Representations

Location: Pavement opposite Frankie & Benny's, 15-17 The Rock, Bury, BL9 0JY

Proposal: Advertisement consent for installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks

Application No.: 69055/FUL
Decision level: DEL
Recommended Decision: Refuse
Applicant: Jess Blakesley

Appeal Decision: Dismissed
Date: 08/09/2023
Appeal type: Written Representations

Location: 509 Bury Old Road, Prestwich, Manchester, M25 3DE

Proposal: Two storey front extension; Single storey side extension



Appeal Decisions

Site visit made on 4 July 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal A Ref: APP/T4210/H/22/3307211

Pavement at Princess Parade, near Bury Interchange Stand E, Bury BL9 0QL

- 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 James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68439, dated 26 April 2022, was refused by notice dated 10 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
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Appeal B Ref: APP/T4210/W/22/3307212

Pavement at Princess Parade, near Bury Interchange Stand E, Bury BL9 0QL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against the refusal to grant express consent.
 - The appeal is made by Mr James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68440, dated 26 April 2022, was refused by notice dated 10 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks at the pavement at Princess Parade, near Bury Interchange Stand E, Bury BL9 0QL in accordance with the terms of the application, Ref 68439, dated 26 April 2022, subject to the conditions set out in the Schedule to this Decision.

Appeal B

2. The appeal is allowed and express consent is granted for the installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens at the pavement at Princess Parade, near Bury Interchange Stand E, Bury BL9 0QL in accordance with the terms of the application, Ref 68440, dated 26 April 2022. The consent is for five years from the date of this decision and is subject to the five conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the additional condition set out in the Schedule to this Decision.

Preliminary Matters

3. The two appeals are for related proposals on the same site. Appeal A concerns the refusal of planning permission to erect a BT Street Hub. Appeal B concerns the refusal of express consent to display advertisements on the Street Hub. I have considered each appeal proposal on its merits, however, as they raise similar issues, I have combined both decisions in a single decision letter.
4. The description of development given in the formal decisions above omits some of the text from the description provided on the planning application form. The omitted text, 'proposed', does not describe acts of development or the advertisement proposals. In addition, advertisement consent is not required, and cannot be granted, for the removal telephone booths. As such, reference to the 'removal of associated BT Kiosks' has been omitted from the decision for Appeal B.
5. The Council has drawn my attention to Policy EN1/9 of the Bury Unitary Development Plan (UDP) in the decision that is the subject of Appeal B, and I have taken it into account as a material consideration. However, the Regulations stipulate that control may be exercised only in the interests of amenity and public safety. UDP Policy EN1/9 has not, therefore, by itself been decisive in my determination of Appeal B.
6. The Council has confirmed that reference to UDP Policy EN5/1 in the decision notice was in error and that the correct policy is UDP Policy HT5/1. The Appellant has had the opportunity to take this into consideration. Although the Appellant has chosen not to provide comments I have, nonetheless, taken UDP Policy HT5/1 into consideration in the determination of Appeal A.
7. The Appellant has referred to the emerging Bury Local Plan. However, the evidence indicates that this is at an early stage and therefore the policies within it, as material planning considerations, cannot be afforded full weight in the determination of these appeals.
8. The Appellant has referred to the proposal being located close to a Locally Listed Station Building. The Council has, however, confirmed that the adjacent bus interchange and metro link station (the Interchange) are not locally listed. Based on the information before me the appeal proposal would not affect any heritage assets, whether designated or non-designated. In addition, the Appellant has clarified that the proposal involves the removal of two kiosks, as shown on the revised Proposed Site Plan Drawing no. 002 Rev A dated 13.09.2022. I have determined the appeals on this basis, namely that the proposals do not affect a heritage asset and involve the removal of two kiosks.

Main Issues

9. The main issues in both appeals are as follows:
 - The effect of the proposals on the character, appearance, and visual amenity of the area; and
 - The effect of the proposal on public safety, with particular regard to the pedestrian environment.

Reasons

Character, appearance and visual amenity

10. The appeal site is located within the town centre and forms part of paved area on Princess Parade, close to Stand E of the Interchange. Princess Parade is characterised by the retail and commercial uses that are located along each side. The pavement is particularly wide at this point and contains trees and street furniture including a lamp post, bin, ramp handrail, and an existing digital advertisement board. In addition, close to Stand E there are currently two telephone kiosks which would be removed as part of the proposal.
11. The Street Hub would be taller than the telephone kiosks it would replace and in a marginally more prominent position, closer to the existing advertisement board. Nonetheless, its slender profile and more muted colour scheme would result in it being a less conspicuous structure within the street scene than the existing telephone kiosks. It would not materially diminish the visual qualities of this part of the town centre for shoppers or other visitors. Furthermore, given that the Street Hub would replace two telephone kiosks, the amount of street furniture would be reduced. Overall, the character and appearance of this part of the town centre would be improved notwithstanding the proximity of the proposals to the existing digital advertisement board.
12. Advertisement displays by their very nature are meant to be noticeable and draw the eye and are a common feature in urban locations. On a busy commercial thoroughfare within sight of an existing digital advertisement, as proposed, the proposed advertisements would not appear as an incongruous feature that unacceptably affects the visual amenity of the area.
13. Having regard to the above, I find that the proposed Street Hub would not result in an excess and over-proliferation of street furniture or advertisements when considered individually or cumulatively, including when taking the existing digital advertisement board into consideration.
14. Accordingly, in relation to Appeal A, the proposed Street Hub would not be harmful to the character and appearance of the area. As such, in respect of Appeal A, the proposals would accord with Policies EN1/2, EN1/4 and EN1/9 of the Bury Unitary Development Plan (UDP). Such policies seek, amongst other things, to ensure proposals do not have an unacceptable adverse effect on character and townscape and encourage the provision of suitably located and well-designed street furniture. In addition, in respect of Appeal A, the proposals accord with UDP Policy EN1/10 which requires proposals for new telecommunications developments have regard to, amongst other things, visual and physical impact.
15. Policies HT5/1 and HT6/1 have been referenced in the first reason for refusal, however, these policies relate to matters of access which are not relevant to this main issue.
16. With regards to Appeal B, the proposals would have an acceptable effect on the amenity of the area and would accord with UDP Policy EN1/9 insofar as it is relevant to amenity.

Public safety

17. Whilst the proposed Street Hub would be sited close to trees and existing street furniture, adequate space would be retained around it to avoid the risk of obstruction to the movement of, or create a risk of conflict between, pedestrians. Given its limited scale and footprint, it would make little difference to the useable pedestrian area.
18. The siting of the proposed Street Hub would not be in the position of any of the telephone kiosks that are to be removed. Nonetheless, it would be no closer to the shops than the existing telephone kiosks or the handrail to be retained adjoining the ramp up to the Interchange. Consequently, existing desire lines would be maintained and pedestrians, including those that are mobility impaired and those with special needs, would continue to be able to pass around it to access the interchange without undue hindrance. Furthermore, the pavement would continue to be wide enough to accommodate a high volume of pedestrian traffic including times when the flow to and from the interchange is at its greatest, even if a group were to use the Street Hub. In addition, there is little before me to demonstrate that the proposal would be contrary to the Council's active travel aspirations or adversely affect the Bury Market Flexihall proposals.
19. The proposed Street Hub would be seen within the context of the surrounding retail and commercial properties that display advertisements and line the route between the shopping centre and the interchange. In such an environment, the level of distraction would not materially increase if the proposed advertisements were introduced. In the absence of any substantive evidence to the contrary, the proposal would not confuse or create a distraction that would constitute a risk to public safety. Furthermore, noting the provisions of the BT Street Hub Anti-Social Behaviour Management Plan, the risk that the proposals will attract or increase incidents of anti-social behaviour and loitering in this high footfall area would be low.
20. Reference is made in the decision to the absence of agreement with the Highway Authority for the placement of the proposed Street Hub on the adopted highway. However, this is not a matter that weighs against the proposals.
21. Accordingly, in relation to Appeal A, the proposed Street Hub would not be harmful to public safety, with particular regard to the pedestrian environment. In respect of Appeal A, the proposals would therefore accord with UDP Policies EN1/4, HT5/1, HT6/1, and EN1/9. Such policies seek, amongst other things, to ensure proposals do not interrupt main pedestrian flows, do not adversely affect the safety of pedestrians and cyclists, ensure satisfactory access for those with special needs and discourage crime.
22. Policies EN1/2 and EN1/10 have been referenced in the second reason for refusal, however, these policies do not address public safety and, as such, they are not relevant to this main issue.
23. With regards to Appeal B, the proposals would not be harmful to public safety and would therefore accord with UDP Policy EN1/9 insofar as it is relevant to this matter.

Conditions

24. The Council has suggested matters that should be addressed within conditions. The Appellant has had the opportunity to comment upon the suggested conditions and I have considered them against the advice in the National Planning Policy Framework and Planning Practice Guidance.

Appeal A

25. In addition to the standard time limit condition limiting the lifespan of the planning permission I have also, in the interests of certainty, attached conditions specifying the approved plans. A condition requiring compliance with the submitted details is also necessary to ensure that the appearance of the proposals would be satisfactory. In addition, a condition has been imposed for the removal of the existing telephone kiosks to improve the appearance of the area and reduce street clutter.

26. If the Street Hub ceases to be used for telecommunication purposes the Council proposes that it should be removed. However, the Street Hub also contains LCD advert screens. In the absence of any compelling evidence that demonstrates that the Street Hub should only be retained when also utilised for telecommunication purposes, this requirement is not reasonable or necessary. Such a condition has not, therefore, been imposed as it does not meet the policy tests.

Appeal B

27. The five standard conditions imposed by the Regulations are necessary, but do not need to be repeated in this decision. The Regulations also specify that an express consent shall be subject to the condition that it expires at the end of such a period that the local planning authority may specify in granting the consent or where no period is specified, a period of 5 years. The Council has suggested a period of 5 years to which the Appellant has not objected, notwithstanding that consent is sought for a 10-year period. The consent will therefore be subject to a condition that specifies that the consent expires at the end of 5 years.

28. A condition restricting the brightness of the advertisements and to require the screen to automatically switch off in the event of breakdown or malfunction is necessary in the interests of the visual amenity of the area.

29. I have not imposed conditions specifying that no advertisement shall be displayed that resemble road signs, include visual effects or specify the minimum display time or the interval between each piece of content. Such conditions are not reasonable or necessary in the interests of public safety or amenity given the location of the appeal site.

Conclusion

30. For the reasons given above I conclude that the Appeals A and B should be allowed.

Elaine Moulton

INSPECTOR

Schedules of Conditions

Appeal A

- 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: Site Location Maps 001 Revision A; Proposed Site Plan 002 Revision A; and Existing and Proposed Elevations 003 Revision A.
- 3) The external surfaces of the development shall be constructed using the materials, finishes and colours as described in the BT Street Hubs Product Statement v1.0 February 2021 and as shown on the BT Street Hub Proposals Renders 2021.
- 4) Before the development hereby approved is brought into use, the existing telephone kiosks indicated for removal on Proposed Site Plan drawing no 002 Rev A dated 13.09.2022, shall be removed and the street surface made good to match the adjoining footway surface materials.

Appeal B

- 1) The luminance levels of the free-standing sign hereby approved shall not exceed 2500 cd/m² during daylight hours or 600 cd/m² at any other time to accord with the recommendations of the Institute of Lighting Professionals Guide 05 (PLG05) Brightness of Illuminated Advertisements. The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels. In the event of breakdown or malfunction the screen shall automatically switch off.

End of Schedules



Appeal Decisions

Site visit made on 4 July 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal A Ref: APP/T4210/H/22/3307213

Pavement o/s 25 The Rock, Bury BL9 0JP

- 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 James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68443, dated 26 April 2022, was refused by notice dated 11 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
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Appeal B Ref: APP/T4210/W/22/3307214

Pavement o/s 25 The Rock, Bury BL9 0JP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 against the refusal to grant express consent.
 - The appeal is made by Mr James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68444, dated 26 April 2022, was refused by notice dated 11 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks at the pavement o/s 25 The Rock, Bury BL9 0JP in accordance with the terms of the application, Ref 68443, dated 26 April 2022, subject to the conditions set out in the Schedule to this Decision.

Appeal B

2. The appeal is allowed and express consent is granted for the installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens at the pavement o/s 25 The Rock, Bury BL9 0JP, in accordance with the terms of the application, Ref 68444, dated 26 April 2022. The consent is for five years from the date of this decision and is subject to the five conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the additional condition set out in the Schedule to this Decision

Preliminary Matters

3. The two appeals are for related proposals on the same site. Appeal A concerns the refusal of planning permission to erect a BT Street Hub. Appeal B concerns the refusal of express consent to display advertisements on the Street Hub. I have considered each appeal proposal on its merits, however, as they raise similar issues, I have combined both decisions in a single decision letter.
4. The description of development given in the formal decisions above omits some of the text from the description provided on the planning application form. The omitted text, 'proposed', does not describe acts of development or the advertisement proposals. In addition, advertisement consent is not required, and cannot be granted, for the removal telephone booths. As such, reference to the 'removal of associated BT Kiosks' has been omitted from the decision for Appeal B.
5. The Council has drawn my attention to Policy EN1/9 of the Bury Unitary Development Plan (UDP) in the decision that is the subject of Appeal B, and I have taken it into account as a material consideration. However, the Regulations stipulate that control may be exercised only in the interests of amenity and public safety. UDP Policy EN1/9 has not, therefore, by itself been decisive in my determination of Appeal B.
6. The Appellant has referred to the emerging Bury Local Plan. However, the evidence indicates that this is at an early stage and therefore the policies within it, as material planning considerations, cannot be afforded full weight in the determination of these appeals.
7. The Appellant has referred to the proposal being located close to a Locally Listed Station Building. The Council has, however, confirmed that there are no locally listed buildings close to the appeal site.

Main Issues

8. The main issues in both appeals are as follows:
 - The effect of the proposals on the character, appearance, and visual amenity of the area; and
 - The effect of the proposal on public safety, with particular regard to the pedestrian environment and emergency access.

Reasons

Character, appearance and visual amenity

9. The appeal site is located within the town centre close to the Bury Conservation Area boundary. This part of The Rock is characterised by the retail and commercial uses that line it. The appeal site forms part of a wide paved area at the junction of The Rock and Union Street which provides pedestrian access into the Mill Gate Shopping Centre. The area immediately surrounding the appeal site currently contains trees and street furniture including two telephone kiosks, bollards, bike stands, and a bin. In the wider street scene there are a series of digital advertisement boards and benches located along one side of a narrower section of The Rock.

10. The existing telephone kiosks to be removed are sited between two raised brick planters containing trees. The Street Hub would be sited in a more prominent position and would be taller than the telephone kiosks it would replace. It would not be on the same side of The Rock as the existing digital advertisement boards. Nonetheless, its slender profile and muted colour scheme combined with its siting close to the bike stands, tree planters and bin would ensure that it would not appear as an isolated or conspicuous structure within the street scene. It would not materially diminish the visual qualities of this part of the town centre for shoppers or other visitors. Furthermore, notwithstanding the distance that the Street Hub would be away from the existing kiosks, the kiosks would be removed and, as such, the amount of street furniture within this general area would be reduced. Overall, the appearance of this part of the town centre would be improved and thereby the character and appearance of the nearby Bury Conservation Area would be preserved.
11. Advertisement displays by their very nature are meant to be noticeable and draw the eye and are a common feature in urban locations. On a busy commercial thoroughfare within sight of existing digital advertisements, as proposed, the proposed advertisements would not appear as an incongruous feature that unacceptably affects the visual amenity of the area.
12. Having regard to the above, I find that the proposed Street Hub would not result in an excess and over-proliferation of street furniture or advertisements when considered individually or cumulatively, including when taking the line of existing digital advertisement boards into consideration.
13. Accordingly, in relation to Appeal A, the proposed Street Hub would not be harmful to the character and appearance of the area. As such, in respect of Appeal A, the proposals would accord with Policies EN1/1, EN1/2, and EN1/4 of the Bury Unitary Development Plan (UDP). Such policies seek, amongst other things, to ensure proposals do not have an unacceptable adverse effect on character and townscape especially areas of architectural or historic interest and encourage the provision of suitably located and well-designed street furniture. In addition, in respect of Appeal A, the proposals accord with UDP Policy EN1/10 which require that proposals for new telecommunications developments have regard to, amongst other things, visual and physical impact.
14. Policies HT5/1 and HT6/1 have been referenced in the first reason for refusal, however, these policies relate to matters of access which are not relevant to this main issue.
15. In respect of Appeal B, the proposals would accord with UDP Policy EN1/9 insofar as it is relevant to amenity.

Public safety

16. Whilst the proposed Street Hub would be sited in a position outside of the existing delineation of street furniture, it would make little difference to the useable pedestrian area on The Rock, given its limited scale and footprint. The space around the proposed Street Hub would be greater than is currently available at the narrowest point of The Rock. Ample space would be retained to enable pedestrians to pass around it without significantly deviating from their route, thereby maintaining existing desire lines. The pavement would

therefore continue to be wide enough to accommodate a high volume of pedestrian traffic without undue hindrance even to those that are mobility impaired or with special needs.

17. Consequently, the proposal would not result in an undue obstruction to the movement of, or create a risk of conflict between, pedestrians even if a group were to use the Street Hub. In the absence of any evidence to the contrary, the proposal would also not result in any highway danger by virtue of an obstruction to existing emergency access routes. Furthermore, there is little before me to demonstrate that the proposal would be contrary to the Council's active travel aspirations.
18. Reference is made in the decision to the absence of agreement with the Highway Authority for the placement of the proposed Street Hub on the adopted highway. However, this is not a matter that weighs against the proposals.
19. Accordingly, in relation to Appeal A, the proposed Street Hub would not be harmful to public safety, with particular regard to the pedestrian environment and emergency access. In respect of Appeal A, the proposals would therefore accord with UDP Policies EN1/4, HT5/1, and HT6/1. Such policies seek, amongst other things, to ensure proposals do not interrupt main pedestrian flows, do not adversely affect the safety of pedestrians and cyclists, ensure satisfactory access for those with special needs and discourage crime.
20. Policies EN1/10 have been referenced in the second reason. However, since it does not refer to public safety, it is not relevant to my consideration of this issue.
21. With regards to Appeal B, the proposals would not be harmful to public safety and would therefore accord with UDP Policy EN1/9 insofar as it is relevant to such a consideration.

Other Matters

22. I have had regard to the response on behalf of the Greater Manchester Police. I note, however, that the Council have not raised concerns about the potential of the unit attracting or increasing incidents of anti-social behaviour and loitering. In addition, the Council has not suggested the imposition of a condition to reduce any such risk. Based on the information before me, I have no reason to disagree with the Council.

Conditions

23. The Council has suggested matters that should be addressed within conditions. The Appellant has had the opportunity to comment upon the suggested conditions and I have considered them against the advice in the National Planning Policy Framework and Planning Practice Guidance.

Appeal A

24. In addition to the standard time limit condition limiting the lifespan of the planning permission I have, in the interests of certainty, attached conditions specifying the approved plans. A condition requiring compliance with the submitted details is also necessary to ensure that the appearance of the proposals would be satisfactory. In addition, a condition has been imposed for

the removal of the existing telephone kiosks to improve the appearance of the area and reduce street clutter.

25. If the Street Hub ceases to be used for telecommunication purposes the Council proposes that it should be removed. However, the Street Hub also contains LCD advert screens. In the absence of any compelling evidence that demonstrates that the Street Hub should only be retained when also utilised for telecommunication purposes, this requirement is not reasonable or necessary. Such a condition has not, therefore, been imposed as it does not meet the policy tests.

Appeal B

26. The five standard conditions imposed by the Regulations are necessary, but do not need to be repeated in this decision. The Regulations also specify that an express consent shall be subject to the condition that it expires at the end of such a period that the local planning authority may specify in granting the consent or where no period is specified, a period of 5 years. The Council has suggested a period of 5 years to which the Appellant has not objected, notwithstanding that consent is sought for a 10-year period. The consent will therefore be subject to a condition that specifies that the consent expires at the end of 5 years.
27. A condition restricting the brightness of the advertisements and to require the screen to automatically switch off in the event of breakdown or malfunction is necessary in the interests of the visual amenity of the area.
28. I have not imposed conditions specifying that no advertisement shall be displayed that resemble road signs, include visual effects or specify the minimum display time or the interval between each piece of content. Such conditions are not reasonable or necessary in the interests of public safety or amenity given the location of the appeal site.

Elaine Moulton

INSPECTOR

Schedules of Conditions

Appeal A

- 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: Site Location Maps 001 Revision A; Proposed Site Plan 002 Revision A; and Existing and Proposed Elevations 003 Revision A.
- 3) The external surfaces of the development shall be constructed using the materials, finishes and colours as described in the BT Street Hubs Product Statement v1.0 February 2021 and as shown on the BT Street Hub Proposals Renders 2021.
- 4) Before the development hereby approved is brought into use, the existing telephone kiosks indicated for removal, shall be removed and the street surface made good to match the adjoining footway surface materials.

Appeal B

- 1) The luminance levels of the free-standing sign hereby approved shall not exceed 2500 cd/m² during daylight hours or 600 cd/m² at any other time to accord with the recommendations of the Institute of Lighting Professionals Guide 05 (PLG05) Brightness of Illuminated Advertisements. The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels. In the event of breakdown or malfunction the screen shall automatically switch off.

End of Schedules



Appeal Decisions

Site visit made on 4 July 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal A Ref: APP/T4210/H/22/3307215

Pavement between Racconto Lounge and Fone Tech, The Rock, Bury BL9 0PJ

- 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 James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68445, dated 26 April 2022, was refused by notice dated 10 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
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Appeal B Ref: APP/T4210/W/22/3307216

Pavement between Racconto Lounge and Fone Tech, The Rock, Bury BL9 0PJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against the refusal to grant express consent.
 - The appeal is made by Mr James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68446, dated 26 April 2022, was refused by notice dated 10 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The two appeals are for related proposals on the same site. Appeal A concerns the refusal of planning permission to erect a BT Street Hub. Appeal B concerns the refusal of express consent to display advertisements on the Street Hub. I have considered each appeal proposal on its merits, however, as they raise similar issues, I have combined both decisions in a single decision letter.
4. The Council has drawn my attention to Policy EN1/9 of the Bury Unitary Development Plan (UDP) in the decision that is the subject of Appeal B, and I have taken it into account as a material consideration. However, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the

Regulations) stipulate that control may be exercised only in the interests of amenity and public safety. UDP Policy EN1/9 has not, therefore, by itself been decisive in my determination of Appeal B.

5. The Council has confirmed that reference to UDP Policy EN5/1 in the decision notice was in error and that the correct policy is UDP Policy HT5/1. The Appellant has had the opportunity to take this into consideration. Although the Appellant has chosen not to provide comments I have, nonetheless, taken UDP Policy HT5/1 into consideration in the determination of Appeal A.
6. The Appellant has referred to the emerging Bury Local Plan. However, the evidence indicates that this is at an early stage and therefore the policies within it, as material planning considerations, cannot be afforded full weight in the determination of these appeals.
7. Notwithstanding the description of development in the heading above, which has been taken from the application form, the appellant has confirmed that existing kiosks are not being removed as part of the proposal. I have determined the appeal on that basis.

Main Issue

8. The main issues in both appeals are as follows:
 - the effect of the proposals on the character, appearance, and visual amenity of the area; and
 - the effect of the proposal on public safety, with particular regard to emergency access and the pedestrian environment.

Reasons

Character, appearance and visual amenity

9. The appeal site is a wide paved area on The Rock between the largely blank brick wall of a restaurant and a row of retail and commercial units. The proposed Street Hub would be in a broadly central position within the space that contains a very limited amount of street furniture. Positioned at the end of a narrower, lively section of The Rock containing significantly more street furniture including a line of digital advertisement boards, the appeal site and surroundings provide a welcome, open, and uncluttered area. In the context of the appeal site surroundings the proposed Street Hub, due to its scale, height and positioning, would be an isolated and visually dominant feature in the space. The presence of the information unit at the pinnacle of the junction of The Rock and Central Street, which is in a slightly less prominent position and does not incorporate digital advertising material, does not provide a justification for the siting of the proposed Street Hub.
10. Accordingly, in relation to Appeal A, the proposed Street Hub would be harmful to the character and appearance of the area. As such, in respect of Appeal A, the proposals would conflict with Policies EN1/2, EN1/4 and EN1/9 of the Bury Unitary Development Plan (UDP). Such policies seek, amongst other things, to ensure proposals do not have an unacceptable adverse effect on character and townscape including areas of architectural or historic interest and encourage the provision of suitably located and well-designed street furniture. In addition, the proposals would not accord with UDP Policy EN1/10 which requires

proposals for new telecommunications developments have regard to, amongst other things, visual and physical impact.

11. The Council has also referred to Policies HT5/1 and HT6/1 in the second reason for refusal, however, such policies relate to matters of access which are not relevant to this main issue.
12. With regard to Appeal B, the proposals would have an unacceptable effect on the amenity of the area and would be conflict with UDP Policy EN1/9 insofar as it is relevant to amenity.

Public safety

13. The proposed Street Hub would, due to its limited scale and its siting in a broadly central position on a wide area, maintain an emergency access route. In addition, it would make little difference to the space available for manoeuvring of emergency vehicles, including times when several such vehicles access the area from different directions. Furthermore, given its limited scale, footprint and siting, there would continue to be an ample and useable pedestrian area on The Rock wide enough to accommodate a high volume of pedestrian traffic without undue hindrance. Pedestrians would be able to pass around the Street Hub without significantly deviating from their route, thereby maintaining existing desire lines.
14. Consequently, the proposal would not result in any highway danger by virtue of an obstruction to emergency access routes and would not result in an undue obstruction to the movement of, or create a risk of conflict between, pedestrians to the detriment of their safety. Furthermore, there is little before me to demonstrate that the proposal would be contrary to the Council's active travel aspirations.
15. Reference is made in the decision to the absence of agreement with the Highway Authority for the placement of the proposed Street Hub on the adopted highway. However, this is not a matter that weighs against the proposals.
16. Accordingly, in relation to Appeal A, the proposed Street Hub would not be harmful to public safety, with particular regard to emergency access and the pedestrian environment. In respect of Appeal A, the proposals would therefore accord with UDP Policies EN1/4, EN1/5, HT5/1, HT6/1, and EN1/9. Such policies seek, amongst other things, to ensure proposals do not interrupt main pedestrian flows, do not adversely affect the safety of pedestrians and cyclists, ensure satisfactory access for those with special needs and discourage crime.
17. Policies EN1/2 and EN1/10 have been referenced in the second reason for refusal, however, these policies do not address public safety and, as such, they are not relevant to this main issue.
18. With regards to Appeal B, the proposals would not be harmful to public safety and would therefore accord with UDP Policy EN1/9 insofar as it is relevant to such a consideration.

Other Matters

19. The proposals provide a number of benefits to the local community which include free ultrafast Wi-Fi, free phone calls, wayfinding, device charging, an

emergency 999 call button, public messaging capabilities, and a platform for interactive technologies on the streets such as air quality monitoring. Whilst I recognise that the proposed Street Hub is intended to be part of a wider network, for the purposes of these appeals I must assess the proposals on their own merits. In this respect, there is little before me to suggest that there are no alternative solutions or viable alternative sites, including those in less prominent positions, that could provide a realistic alternative. Consequently, the benefits identified only weigh moderately in favour of the proposals.

20. As identified above, the proposals would be harmful to the character, appearance and visual amenity of the area to which I ascribe substantial weight. Considering this, in relation to Appeal A, I find that the matters advance in support of the proposal do not, either individually or collectively, outweigh the harm or conflict with the development plan identified.
21. In respect of Appeal B, a similar range of benefits would arise. However, the Regulations make it clear, as set out above, that advertisements should be controlled only in the interests of amenity and public safety. Therefore, in relation to Appeal B, none of the other considerations raised changes my findings on the main issues.

Conclusion

22. Whilst I have found that the proposals would not be harmful to public safety, this does not outweigh the harm to the character, appearance, and visual amenity of the area that I have identified. The proposals conflict with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
23. I conclude that the Appeals A and B should be dismissed.

Elaine Moulton

INSPECTOR



Appeal Decisions

Site visit made on 4 July 2023

by **Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal A Ref: APP/T4210/H/22/3307217

Pavement opposite Frankie & Benny's, 15-17 The Rock, Bury BL9 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 James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68449, dated 26 April 2022, was refused by notice dated 11 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
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Appeal B Ref: APP/T4210/W/22/3307218

Pavement opposite Frankie & Benny's, 15-17 The Rock, Bury BL9 0JY

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 against the refusal to grant express consent.
 - The appeal is made by Mr James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68450, dated 26 April 2022, was refused by notice dated 11 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The two appeals are for related proposals on the same site. Appeal A concerns the refusal of planning permission to erect a BT Street Hub. Appeal B concerns the refusal of express consent to display advertisements on the Street Hub. I have considered each appeal proposal on its merits, however, as they raise similar issues, I have combined both decisions in a single decision letter.
4. The Council has drawn my attention to Policy EN1/9 of the Bury Unitary Development Plan (UDP) in the decision that is the subject of Appeal B, and I have taken it into account as a material consideration. However, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) stipulate that control may be exercised only in the interests of

amenity and public safety. UDP Policy EN1/9 has not, therefore, by itself been decisive in my determination of Appeal B.

5. The Council has confirmed that reference to UDP Policy EN5/1 in the decision notice was in error and that the correct policy is UDP Policy HT5/1. The Appellant has had the opportunity to take this into consideration. Although the Appellant has chosen not to provide comments I have, nonetheless, taken UDP Policy HT5/1 into consideration in the determination of Appeal A.
6. The Appellant has referred to the emerging Bury Local Plan. However, the evidence indicates that this is at an early stage and therefore the policies within it, as material planning considerations, cannot be afforded full weight in the determination of these appeals.

Main Issue

7. The main issues in both appeals are as follows:
 - the effect of the proposals on the character, appearance, and visual amenity of the area; and
 - the effect of the proposal on public safety, with particular regard to emergency access and the pedestrian environment.

Reasons

Character, appearance and visual amenity

8. The appeal site is a wide paved area between two restaurants containing lamp posts and a bin close to the proposed siting, and a static information board, bollards, and bike racks closer to Rochdale Road. In such a relatively uncluttered context, the proposed Street Hub would be an isolated and visually dominant feature in the space due to its scale, height and positioning. The two large LCD screens contained in the proposed Street Hub, in a location where digital advertisements are not currently present, would exacerbate the harmful effects that the proposal would cause to the character, appearance and amenity of the area.
9. I note that the proposals would replace 2 existing telephone kiosks. However, those kiosks are set apart from the site outside of the town centre. As such their removal would not alter the unacceptable effects that the proposal would cause to the character, appearance and visual amenity of the area I have identified.
10. Accordingly, in relation to Appeal A, the proposed Street Hub would be harmful to the character and appearance of the area. As such, in respect of Appeal A, the proposals would conflict with Policies EN1/2, EN1/4 and EN1/9 of the Bury Unitary Development Plan (UDP). Such policies seek, amongst other things, to ensure proposals do not have an unacceptable adverse effect on character and townscape including areas of architectural or historic interest and encourage the provision of suitably located and well-designed street furniture. In addition, the proposals would not accord with UDP Policy EN1/10 which requires proposals for new telecommunications developments have regard to, amongst other things, visual and physical impact.

11. With regard to Appeal B, the proposals would have an unacceptable effect on the amenity of the area and would be conflict with UDP Policy EN1/9 insofar as it is relevant to amenity.

Public safety

12. The proposals provide a number of benefits to the local community which include free ultrafast Wi-Fi, free phone calls, wayfinding, device charging, an emergency 999 call button, public messaging capabilities, and a platform for interactive technologies on the streets such as air quality monitoring. Whilst I recognise that the proposed Street Hub is intended to be part of a wider network, for the purposes of these appeals I must assess the proposals on their own merits. In this respect, there is little before me to suggest that there are no alternative solutions or viable alternative sites, including those in less prominent positions, that could provide a realistic alternative. Consequently, the benefits identified only weigh moderately in favour of the proposals.
13. Consequently, it would not result in an undue obstruction to the movement of, or create a risk of conflict between, pedestrians to the detriment of their safety. Furthermore, there is little before me to demonstrate that the proposal would be contrary to the Council's active travel aspirations.
14. Reference is made in the decision to the absence of agreement with the Highway Authority for the placement of the proposed Street Hub on the adopted highway. However, this is not a matter that weighs against the proposals.
15. Accordingly, in relation to Appeal A, the proposed Street Hub would not be harmful to public safety, with particular regard to the pedestrian environment. In respect of Appeal A, the proposals would therefore accord with UDP Policies EN1/4, HT5/1, HT6/1, and EN1/9. Such policies seek, amongst other things, to ensure proposals do not interrupt main pedestrian flows, do not adversely affect the safety of pedestrians and cyclists, and ensure satisfactory access for those with special needs.
16. Policies EN1/2 and EN1/10 have been referenced in the second reason for refusal, however, these policies do not address public safety and, as such, they are not relevant to this main issue.
17. With regard to Appeal B, the proposals would not be harmful to public safety and would therefore accord with UDP Policy EN1/9 insofar as it is relevant to such a consideration.

Other Matters

18. The proposals provide a number of benefits to the local community which include free ultrafast Wi-Fi, free phone calls, wayfinding, device charging, an emergency 999 call button, public messaging capabilities, and a platform for interactive technologies on the streets such as air quality monitoring. Whilst I recognise that the proposed Street Hub is intended to be part of a wider network, for the purposes of these appeals I must assess the proposals on their own merits. In this respect, there is little before me to suggest that there are no alternative solutions or realistic alternative sites, including those in less prominent positions, that would not provide a realistic alternative. Consequently, the benefits identified only weigh moderately in favour of the proposals.

19. As identified above, the proposals would be harmful to the character, appearance and visual amenity of the area to which I ascribe substantial weight. Considering this, in relation to Appeal A, I find that the matters advance in support of the proposal do not, either individually or collectively, outweigh the harm or conflict with the development plan identified.
20. In respect of Appeal B, a similar range of benefits would arise. However, the Regulations make it clear, as set out above, that advertisements should be controlled only in the interests of amenity and public safety. Therefore, in relation to Appeal B, none of the other considerations raised changes my findings on the main issues.

Conclusion

21. Whilst I have found that the proposals would not be harmful to public safety, this does not outweigh the harm to the character, appearance, and visual amenity of the area that I have identified. The proposals conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
22. I conclude that the Appeals A and B should be dismissed.

Elaine Moulton

INSPECTOR



Appeal Decision

Site visit made on 15 August 2023

by L Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2023

Appeal Ref: APP/T4210/D/23/3319989

509 Bury Old Road, Prestwich, Bury M25 3DE

- 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 Jess Blakesley against the decision of Bury Metropolitan Borough Council.
 - The application Ref 69055, dated 7 November 2022, was refused by notice dated 13 January 2023.
 - The development proposed is a single storey side extension and two storey front extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal property is a two-storey semi-detached dwelling situated on an elevated plot in a predominantly residential area. It is proposed to erect a two-storey front extension that projects approximately 3m to the front of the host dwelling, and a single storey extension that projects approximately 2.5m to the side.
4. Whilst Bury Old Road is a long road comprised of varying types and styles of buildings and dwellings, the appeal property is located at the end of a distinct small crescent of semi-detached dwellings, set back from the road and elevated from the highway. The dwellings have not remained uniform in design, with changes to fenestration and doors and in some cases the addition of porches. However, when viewed from the street, the dwellings are similar in size and style and give a pleasing harmonious impression of cohesiveness and symmetry. No other properties in the crescent have a similar front extension to that which is being proposed. Despite the proposed extension being designed to match the host dwelling in terms of design and materials, due to its size and projection, the proposed front extension would look unbalanced and would be an incongruous addition to the street scene. This would have a negative effect on the character and appearance of the area.
5. The Council's Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties 2020 (SPD) states that in order to protect the character of the street scene, in general there will be a presumption against large extensions at the front of properties, and that extensions will not be

permitted if they project excessively from the original front wall. Whilst recognising that the SPD is guidance, and also the appellant's point that there is no definition as to what 'project excessively' means, I consider that the scale and massing of the 3m front extension would be disproportionate, over dominant and out of character when compared to the host dwelling and neighbouring properties.

6. When visiting the site and surrounding area I noticed other extensions to the front of dwellings. However, these extensions were of a smaller scale than that proposed and had limited impact on the character and appearance of the area. Additionally, the appellant has drawn my attention to properties in the surrounding streets that have had front extensions. However, I am not aware of the exact circumstances or the policy backgrounds that led to these extensions being built. I can also not be certain of their precise size and scale in relation to their host property, and their relationship to other properties in the street scene. I have determined this appeal on its individual planning merits and under the current policy context, and the examples of other extensions in the locality do not lead me to find that the proposal would be acceptable.
7. I noted from my site visit that the site is well screened by trees, which would minimise the impact of the proposed development. However, the trees have no statutory protection, and as such there is no certainty that they will be retained. As such, the current screening is not a determining factor when considering the permanent impact that the proposal would have on the character and appearance of the area.
8. I therefore conclude that the proposal would cause harm to the character and appearance of the area. It would be contrary to saved policy H2/3 of the Bury Unitary Development Plan (1997) and guidance in the SPD, which seek to ensure that extensions are of a high standard, not visually intrusive, and that they protect the character of the area.

Other Matters

9. I agree with the Council that the proposed side extension is acceptable in terms of its location and projection, as well as its design and scale. However, this is not severable from the proposed front extension and so I have considered the proposal as a whole and determined the appeal on this basis.
10. I note that the appellant has stressed a willingness to amend the proposal. However, it is not the role of the appeal process to suggest or consider amendments and I have determined the appeal on the proposal that was submitted.
11. The National Planning Policy Framework sets out a presumption in favour of sustainable development. This concept has three dimensions which are mutually dependant – economic, social and environmental. I agree with the appellant that the proposed extension would bring small social and economic benefits. However, good design is an important aspect of sustainable development. Considering the three dimensions of sustainable development together the economic and social benefits would not outweigh the environmental harm. Therefore, the proposal would not represent sustainable development.

12. I have had regard to the desire of the appellant to stay in the area, and to extend the property in order to start a family. However, I am minded that the harm identified would be permanent, and it is not outweighed by the appellants' personal circumstances.

Conclusion

13. I find that the proposal would conflict with the development plan taken as a whole and there are no reasons to indicate a decision other than in accordance with the development plan.

14. For the reasons given above I conclude that the appeal should be dismissed.

L Hughes BA (Hons) MTP MRTPI

INSPECTOR