

REPORT FOR NOTING

Agenda
Item

6

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	20 February 2024
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 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 15/01/2024 and 11/02/2024**



Application No.: 69581/FUL

Appeal lodged: 22/01/2024

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Mr Niall Gunn

Location Sheepgate Farm Cottage, Bradshaw Road, Walshaw, Tottington, Bury, BL8 3PL

Proposal Modifications to roof/first floor roof extension to accommodate additional living space to first floor; Porch to front elevation; Reduction in size of existing garage; External alterations to include solar panels to front/rear roof slopes, new stone/render finish to external elevations and alterations to doors/windows/glazing with 2 no. juliet balconies to rear elevation

Application No.: 69923/FUL

Appeal lodged: 24/01/2024

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Mr Chris Prest

Location 73A Simister Lane, Prestwich, Manchester, M25 2SU

Proposal First floor side extension; garage conversion to habitable space; raise roof ridge height, loft conversion with rear dormers; front porch; electric gate on front boundary and elevational changes to existing facade/windows

Application No.: 69976/FUL

Appeal lodged: 05/02/2024

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Mr Raj Singh

Location 56 Windsor Road, Prestwich, Manchester, M25 0DE

Proposal Loft conversion with rear dormer extension; Two storey extension at side; Addition of first floor window to side elevation; Two storey extension at rear with amendment to balcony; New cladding to front elevation; Installation of 2 ventilation mechanical intake extract units to side elevation

Application No.: 70154/FUL

Appeal lodged: 29/01/2024

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Mr and Mrs Walker

Location 44A Newcombe Road, Ramsbottom, Bury, BL0 9UT

Proposal Proposed Loft Conversion with Front and Rear Dormers

Application No.: 70259/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Scott Jones

Location 212A Bell Lane, Bury, BL9 6HS

Appeal lodged: 02/02/2024

Appeal Type: Written Representations

Proposal Single storey extension at rear to form 1 no. ground floor flat

Total Number of Appeals Lodged: 5

**Planning Appeals Decided
between 15/01/2024 and 11/02/2024**



Application No.: 69336/TEL

Appeal Decision: Dismissed

Decision level: DEL

Date: 22/01/2024

Recommended Decision: Prior Approval Required

Appeal type: Written Representations

Applicant: CK Hutchison Networks (UK) Ltd

Location: Pavement outside Radcliffe Hall C of E Methodist Primary School, Bury Street,

Proposal: Prior approval for proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets



Appeal Decision

Site visit made on 5 December 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/T4210/W/23/3322990

Bury Street Works, Bury Street, Bury M26 2GB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Cooke of CK Hutchison Networks (UK) Ltd against the decision of Bury Metropolitan Borough Council.
- The application Ref 69336, dated 8 February 2023, was refused by notice dated 15 March 2023.
- The development proposed is described as proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the Local Planning Authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies EN1/2 and EN1/10 of the Bury Unitary Development Plan¹ are material considerations as they relate to issues of siting and appearance.
4. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and updated on 20 December 2023. However, there are no material changes in the revision or the update relevant to the substance of this appeal. The Framework is a material consideration including its section on supporting high quality communications.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area, the living conditions of the occupiers of surrounding residential properties due to outlook and, if any harm would occur, whether this is outweighed by the need for the

¹ Bury Unitary Development Plan – Written Statement Adopted by Bury Metropolitan Borough Council 29 August 1997.

installation to be sited as proposed taking into account any suitable alternatives.

Reasons

6. The proposed installation would be located within an area of pavement adjacent to a car park to Radcliffe Hall C of E Methodist Primary School. There are houses on the opposite side of Bury Street and a small cul-de-sac runs off Bury Street to the north of the appeal site to serve Bealey Row which also comprises residential properties.
7. There is signage for the school, street lighting and trees within the surrounding area including two modest sized trees to the south-east of the appeal site and trees in a grassed area to the north-west of the appeal site along with a bus stop. This urban area is characterised by its residential properties not exceeding two-stories in height and the school is a one and two-storey building. The pavement is noticeably wide and the grass verge small and a lack of obstacles within it contribute to the openness of this urban setting.
8. In the context of the low scale of the surrounding buildings and the open appearance of the school car park, the proposed 15 metre high pole would be very intrusive and prominent within the street scene. Moreover, the nearby trees are not sufficiently close to the appeal site to provide any substantial screening and the lighting columns are not especially high to enable the proposed pole to blend in with the existing street furniture. The equipment cabins and pole would appear cluttered within the pavement compared with its current uncluttered appearance.
9. Furthermore, the occupiers of the nearby houses, especially those on the opposite side of Bury Street, would look directly at the installation from their front windows. The 15 metre high pole in particular, would be visually intrusive due to its height and proximity and therefore have a harmful effect on their outlook within this domestic environment.
10. The proposal is required to extend 5G mast infrastructure and the appellant explains that a new site is required to meet the appellant's operational requirements to provide much needed coverage in this densely populated area. Moreover, paragraph 122 of the Framework makes clear that need for electronic communications systems should not be questioned. The intended target/search area has a radius of approximately 100 metres centred on Bury Street. A list of alternative sites are included in the submission together with a plan identifying their location.
11. However, these have been discounted for reasons relating to the area being very residential or for technical reasons relating to the practicalities of their installation with regard to insufficient or unsuitable pavements and visibility splays. I note that the Council has referred to a nearby neighbourhood shopping centre where there are several commercial and industrial buildings which could be used for the installation of equipment. However, although the sequential approach gives priority to existing sites and mast sharing, there is no information before me as to why the Council's suggestion has been discounted.
12. I appreciate that this scheme proposes an alternative to a previous refusal for an 18 metre high pole but from the information submitted, the previous

scheme was on the same site as the one before me now. Therefore, whilst I appreciate that the area is generally densely populated, I am not convinced that a less visually intrusive location could not be found within the wider urban area that would meet the appellant's requirements.

13. Consequently, the proposed installation would have a harmful effect on the character and appearance of the surrounding area due to its siting and appearance and on the living conditions of the occupiers of surrounding residential properties due to outlook and I am not convinced that less harmful alternatives capable of fulfilling the appellant's requirements could not be found.

Other Matters

14. I appreciate the appellant's objectives to follow Government commitment to improving high speed 5G mobile connectivity and the economic and social benefits that would arise from this. However, these matters have not been taken into account in considering the matters of siting and appearance.

Conclusion

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

J D Clark

INSPECTOR

**Details of New Enforcement Appeals Lodged
between 15/01/2024 and 11/02/2024**



Case Ref: 23/0183

Date of Appeal: 01/01/2024
Appeal Type: REP

Location: Lake Hill, Walshaw Road, Bury, BL8 1PT

Issue: Unauthorised building works

Total Number of Appeal Cases: 01
