

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	24th JUNE 2014
SUBJECT:	PLANNING APPEALS
REPORT FROM:	DEVELOPMENT MANAGER
CONTACT OFFICER:	JOHN CUMMINS
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"> • Decided <p>Enforcement Appeals:</p> <ul style="list-style-type: none"> • None
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:- Copy Appeal Decisions attached

Contact Details:-

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**Planning Appeals Decided
between 02/05/2014 and 15/06/2014**



Application No.: 56668/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Overmode Ltd

Location: 1 Glenmere Close, Prestwich, Manchester, M25 3BH

Proposal: Conversion of detached dwelling house into 4 no. apartments. Replacement of existing hip roof to mono-pitched roof to all elevations, demolition of existing garage, alterations to doorway of existing conservatory and creation of 4 no. car parking spaces (resubmission)

Appeal Decision: Dismissed

Date: 28/05/2014

Appeal type: Written Representations

Application No.: 56892/ADV

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mrs Leena Parekh

Location: Post Office, 263 Durers Lane, Radcliffe, Manchester, M26 2GN

Proposal: 2 No. externally illuminated fascia signs

Appeal Decision: Dismissed

Date: 12/05/2014

Appeal type: Written Representations

Copies of the Appeal Decisions are attached below

Appeal Decision

Site visit made on 28 April 2014

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 May 2014

Appeal Ref: APP/T4210/A/14/2213859

1 Glenmere Close, Prestwich, Manchester M25 3BH

- 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 Andreas Panteli against the decision of Bury Metropolitan Borough Council.
 - The application Ref 56668, dated 6 November 2013, was refused by notice dated 6 January 2014.
 - The development proposed is described as 'Conversion of detached house into 3 no. one bed apartments and 1 no. studio, together with external alterations including replacement of existing hip roof to mono-pitched roof to all elevations, demolition of existing garage, alterations to doorway of existing conservatory and creation of 4 car parking spaces (resubmission of application reference no. 56104)'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have considered the Planning Practice Guidance published on 6 March 2014. However, in the light of the facts of this case its content does not alter my conclusions on the main issues in this case.

Main Issues

3. The main issues are
 - the effect of the proposed parking arrangements on highway safety and efficiency
 - whether the proposal would provide a safe and convenient means of access to the adopted highway.

Reasons

Parking

4. The appeal relates to a detached dwelling, 1 Glenmere Close, which is one of a group of four secluded dwellings accessed off Bury New Road (A56) via a private drive. The drive, which is single track in width, runs through the forecourt of a petrol filling station. Public footpath No. 24 runs along the southern boundary of the site.

5. The site is situated close to Junction 17 of the M60 and the highway network in the vicinity is busy. While Glenmere Close is residential in character, the area surrounding it has a busy commercial character. The site lies adjacent to a Premier Inn to the south beyond which is Prestwich Hospital.
6. The proposal seeks to convert the building from a single dwelling to four flats, including a studio flat within the roofspace. The proposal also involves the alteration and extension of the building at first floor and roof levels. Externally an existing garage would be demolished and parking provision would be created for four vehicles within the curtilage of the dwelling.
7. Parking standards are set out in the Council's Development Control Policy Guidance Note 11 which was adopted as a Supplementary Planning Document (SPD) in 2007. For residential development the provision of 1 space per 1 bedroomed dwelling in 'high access' areas or 2 spaces per 1 bedroomed dwelling in 'low access' areas is recommended. The appeal site is close to bus stops on Bury New Road and just over 800m from a Metrolink Station. However, it is a considerable distance from a stretch of highway or a car park where public parking space might be available. Glenmere Close is restricted in terms of its width and offers no opportunity itself for visitor parking. In these circumstances the Council have reasonably suggested that the location falls between a high access and a low access area. On this basis the provision of six spaces for use by residents and visitors is required.
8. 1 Glenmere Close has only a limited amount of space available externally for parking and garden space. Four car parking spaces are identified within the site although two of these spaces would be tandem parking spaces and thereby not always readily accessible. As such this provision falls short of the standard set out in the SPD. The swept path analysis of the parking spaces in the appellant's Highway Statement seeks to demonstrate that it would be possible to manoeuvre into both of the tandem spaces no matter which were occupied. However, even if this were considered acceptable as a layout there is no provision for visitor space.
9. As a result of this substandard provision any residents or visitors vehicles that were unable to park within the curtilage of the dwelling would be likely to park on Glenmere Close given the significant distance to public parking space. Because of the restricted width of the access and limited room available for turning, such a situation would lead to inconvenience to proposed and existing residents and would be detrimental to highway safety.
10. The appellant has demonstrated on the submitted plan that there would be a passing place along the road. However, this space is immediately outside the entrance to No. 3 and a vehicle parked in this space would cause significant inconvenience to the occupiers of that property. Moreover it seems to me that service or delivery vehicles would be unable to negotiate past a parked car given the limited road width resulting in inconvenience and harm to highway and pedestrian safety.
11. The appellant points out that not all occupants may have access to a car. Be this as it may, the matter could not be controlled by planning condition. I accept that the use of the property as a single family dwelling would also generate activity and demand for car parking. Nevertheless, only 3 spaces for a 4-bedroomed dwelling area required under the provisions of the SPD and

tandem spaces are likely to be more workable by a family than by residents who are unconnected.

12. I therefore conclude on this first main issue that insufficient parking space is proposed contrary to the recommendations of the SPD and as a consequence the proposal would be detrimental to highway safety and efficiency contrary to Policies EN1/2, H2/1, H2/2, HT2/4. These policies seek to ensure, among other things, that proposals do not have an adverse effect on the character of the townscape, make a positive contribution to the form and quality of the surrounding area, provide an acceptable standard of layout with regard to car parking provision and access and require all applications to accord with the Council's parking standards.

Access

13. The petrol filling station, which also includes a shop and 'Subway' outlet, generates a significant amount of vehicular traffic. At the time of my site visit comings and goings were constant. Access to Glenmere Close from the A56 is through the petrol station via a one-way route which is marked on site. Vehicles exiting Glenmere Close pass through the filling station in front of the shop to reach the A56.
14. Given the lack of direct access onto the highway network, and taking account of evidence presented by existing residents of Glenmere Close, it seems to me that occasional obstructions that occur within the forecourt can affect the flow of traffic through the site resulting in inconvenience to the residents. However, the Highway Statement estimates that the proposal will generate only an additional 6 more vehicular movements per day. In contrast to the total number of movements through the petrol station over the course of the day, this increase would not be significant. It is therefore unlikely that the proposal would significantly worsen any congestion in and around the petrol station, result in a significant increase in queuing on the A56 or otherwise be detrimental to highway safety.
15. The access road is substandard in terms of its width and has a poor alignment and restricted visibility. However, it is a short stretch of road, vehicle speeds along the access are low and no evidence of any accidents has been presented to me. There is no reason to suggest that a small increase in traffic using the access would, in itself, lead to harm to highway safety although I am concerned about the effect of the proposed parking provision on safety as outlined above.
16. I am aware that a public footpath adjoins the site. However, I am not persuaded that the small increase in number of vehicles using the access would result in danger to pedestrians using the path.
17. I therefore conclude that the proposal would provide a safe means of access to the site in line with Policies H2/2, HT6/2 and HT2/4 of the adopted Bury UDP 1997. These policies seek, among other things to ensure that satisfactory provision is made for access.

Other Matters

18. Although it did not form a reason for refusal of permission, the Council have referred to the requirement for a contribution towards the provision of open space in the area under the terms of the Open Space, Sport and Recreation in

New Housing Development Supplementary Planning Document. There is no such proposal before me and the appellant has not indicated his willingness to enter into such an agreement. However, insufficient specific information has been supplied to enable me to assess whether such a contribution is necessary, directly related to the scheme or of a scale that could be considered fairly and reasonably related to the proposed development. Notwithstanding this, the appeal has been considered on its substantive merits upon which this matter has no direct bearing.

19. The proposal would add marginally to the supply of housing in the Borough in a sustainable location and would be economically beneficial. These are undoubtedly benefits of the scheme but they do not outweigh the harm that would be caused by the inadequate provision of parking space and its effect on the safe and efficient use of Glenmere Close.

Conclusion

20. For the reasons outlined above and taking into account all other matters raised, including matters raised by third parties, the appeal is dismissed.

S. Ashworth

INSPECTOR

Appeal Decision

Site visit made on 28 April 2014

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2014

Appeal Ref: APP/T4210/H/14/2214793

Post Office, 263 Durers Lane, Radcliffe, Manchester M26 2GN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mrs Leena Parekh against the decision of Bury Metropolitan Borough Council.
 - The application Ref 56892, dated 30 October 2013, was refused by notice dated 10 January 2014.
 - The advertisement proposed is illuminated fascia board advertisement at front and side elevations
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Guidance came into force on 6 March 2014. Its contents do not have a bearing on matters relating to the determination of this appeal.
3. The signs are already in position and I have dealt with the appeal on this basis.
4. The Council describe the proposal as '2 No. externally illuminated fascia signs'. This appears to be a more accurate description of the development and I have dealt with the appeal on this basis with the plans and particulars before me.

Main Issue

5. The main issue in this case is the effect of the advertisements on the character and appearance of the area.

Reasons

6. The appeal site is an end of terrace property in use a post office /shop, situated at the junction of Durers Lane and Whewell Avenue. The surrounding area is predominantly residential in character comprising mainly terraces of dwellings set back from the road behind small front gardens. There are a few non-residential uses within or at the end of terraces including a funeral directors on the opposite corner of Whewell Avenue.
7. The fascia signs are two boards of different appearance that, in effect, form a continuous sign wrapping around the corner of the building. The sign to the front elevation has a blue background with yellow and white text and a logo.

- The sign to the side elevation has a white background with a red and white logo advertising the post office. Both signs are externally illuminated.
8. The signs are considerably larger than a traditional fascia sign, occupying the full width of the property at the front and wrapping round the corner of the building. At 1.3m deep, the sign to the front fills the space between the top of the shop window and the bottom of the first floor window and obscures a decorative band course feature. In addition the signs project from the face of the building forming a large, box-like structure. As such the signs are overly dominant, out of proportion and do not respect, and thereby detract from, the character and appearance of the building.
 9. Whilst it is clear that this has been a shop unit for some time, from the information submitted, it appears that the previous fascia sign sat within the shopfront and was thereby visually unassuming and reflected the domestic scale and appearance of the terrace as a whole. The incongruity and dominance of the signs that are the subject of the appeal, in contrast, are large and commercial and detract from the appearance and character of the terrace and wider street scene.
 10. I have taken into consideration the appellants need to sustain an economically viable business and accept that investment has been made into the property. However this does not convince me that the sign is appropriate. Nor is there any evidence to suggest that the business will fail if the sign is required to be replaced.
 11. I note that the sign has not generated objection from neighbouring residents although I am aware that the matter was brought to the attention of the Council by a complaint. The lack of objection does not signify that the proposal is acceptable. I am also aware that the appellant was not advised that consent for the signs would be required and whilst I have sympathy with the appellant, it is incumbent on me to determine the appeal on its own merits.
 12. Some signage is necessary to draw attention to the business. However I conclude that the signs subject to the appeal are inappropriate and unacceptably affect the character and appearance of the area.
 13. The Council has drawn my attention to policy EN1/9 of the adopted Bury Unitary Development Plan 1997, which was referred to in the reason for refusal. Whilst I have taken it into account as a material consideration, the powers to control advertisements under the regulations may be exercised only in the interests of amenity and public safety. Consequently in my determination of the appeal the Council's policies have not in themselves been decisive.

Conclusion

14. For the reasons above, I consider that the advertisements are materially detrimental to the interests of amenity and, having taken into account of all other matters raised I conclude that the appeal should fail.

S Ashworth

INSPECTOR