

REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	28 January 2025
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 09/12/2024 and 19/01/2025**



Application No.: 71209/ADV

Decision level: DEL

Recommended Decision: Refuse

Applicant: Elite Billboards

Location 115 Bolton Road, Bury, BL8 2NW

Appeal lodged: 09/01/2025

Appeal Type: Written Representations

Proposal Installation of 1no. internally illuminated digital LED advertisement

Total Number of Appeals Lodged: 1

**Planning Appeals Decided
between 09/12/2024 and 19/01/2025**



Application No.: 70600/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Ben Gardener

Location: 15 Guest Road, Prestwich, Manchester, M25 3DJ

Proposal: Side dormer; Rear dormer; Single storey rear pitch roof to flat roof with parapet wall

Appeal Decision: Dismissed

Date: 17/12/2024

Appeal type: Written Representations



Appeal Decision

Site visit made on 11 December 2024

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 December 2024

Appeal Ref: APP/T4210/D/24/3347547 15 Guest Road, Prestwich, Bury, M25 3DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ben Gardener against the decision of Bury Council.
 - The application Ref is 70600.
 - The development proposed is a side loft dormer, Rear loft dormer, Single storey rear pitch roof to flat roof with parapet wall.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the Poppythorn Conservation Area.

Reasons

3. The appeal property comprises a two storey semi-detached dwelling situated in a residential area, characterised by the presence of detached and semi-detached dwellings.
 4. Most dwellings are two stories in height and there are a number of dwellings with original dormers, providing rooms at roof level. During my site visit, I observed there to be a number of roof lights, indicating the presence of attic or loft rooms.
 5. The appeal property is situated within the Poppythorn Conservation Area which is characterised by streets comprising late 19th Century and early 20th Century period dwellings. The presence of period features, including tall gables, single and double gable windows, ornate brickwork and tall and prominent chimneys is complemented by the common use of red brick and slate, together with decorative stone lintels and dressings.
 6. The setting back of dwellings behind low stone walls and front garden areas provides for an appreciation of their features and affords them a sense of presence and grandness. This set back, along with gaps between dwellings and pairs of dwellings, also provides for clear views of the sides and roofs of dwellings.
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7. The traditional form of the roofscape around the appeal dwelling comprises an attractive feature of the area. Pitched and hipped roofs generally appear in their original form and make a significant contribution to and add to the cohesiveness of, the character and appearance of Poppythorn Conservation Area.
8. The proposed additions to the appeal dwelling's roof would be unlike any other withing this part of the Poppythorn Conservation Area. Together, they would introduce modern, boxy additions, the appearance of which would jar with that of the original form of the roof of the appeal dwelling, as well as with the roofs of its neighbours. Consequently, the proposed dormers would appear as awkward, alien features.
9. The harm arising from the above would be exacerbated as a result of the prominent position of the proposed side dormer, clearly visible within its surroundings, and the side of the proposed rear dormer, such that the proposed additions would draw undue attention to their incongruous appearance.
10. Consequently, the proposed development would comprise an unsympathetic addition that would detract from the identified qualities of the Poppythorn Conservation Area.
11. Given this, the proposal would detract from and would not conserve the appearance of the Poppythorn Conservation Area. Having regard to paragraph 208 of the National Planning Policy Framework (the Framework) and to Planning Practice Guidance, I consider that the harm to the character and appearance of the Poppythorn Conservation Area would be less than substantial.
12. This needs to be balanced against any public benefits the development may bring and this regard, there is nothing before me that comprises or amounts to a public benefit that outweighs the harm identified.
13. Taking all of the above into account, I find that the proposal would harm the character and appearance of the Poppythorn Conservation Area, contrary to the National Planning Policy Framework, to Policies H2 and EN2 of the Bury Unitary Development Plan (1997) and to the Council's Supplementary Planning Document 6: Alterations and Extensions to Residential Properties (2020), which together amongst other things, seek to protect local character.

Other Matters

14. In support of his case, the appellant refers to other developments elsewhere. However, there is nothing before me to demonstrate that the circumstances relating to these are so similar to those of the proposal before me as to provide for direct comparison. Notwithstanding this and in any case, the proposal would result in harm and this is not something that is mitigated by the presence of other developments elsewhere

Conclusion

15. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

The Ombudsman's final decision

Summary: We will not investigate Mrs X's complaint that the Council approved an application to convert a property she owns without her permission. This is because the injustice she claims stems from the actions of the person who made the application and caused damage to her property and we could not hold the Council responsible for this.

The complaint

1. The complainant, Mrs X, complains the Council approved a fraudulent application made in her late husband's name several years ago, to convert a property she owns and lets out into a 'house in multiple occupation' (HMO). She wants to cancel the permission, prosecute the person responsible and pay compensation for the damage they have caused to the property.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse effect on the person making the complaint, which we call 'injustice'. We provide a free service, but must use public money carefully. We do not start an investigation if we decide the tests set out in our Assessment Code are not met. (Local Government Act 1974, section 24A(6), as amended)

How I considered this complaint

3. I considered information provided by Mrs X and the Ombudsman's Assessment Code.

Final decision

4. We will not investigate this complaint. This is because the injustice Mrs X claims stems from the actions of a third party and not any fault by the Council. Mrs X confirms she has started legal action against the third party and the Council does not take on responsibility for their actions or for paying compensation to put right any damage they have caused to her property.

Investigator's decision on behalf of the Ombudsman

