

REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	24 June 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 20/05/2025 and 15/06/2025**



Application No.: 71444/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Mohammed Amirinejad

Location Land at Harper Fold Road & Canute Street, Radcliffe, M26 3BX

Appeal lodged: 10/06/2025

Appeal Type: Written Representations

Proposal Erection of 2 no. dwellings

Application No.: 71768/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Lent

Location 3 Tewkesbury Drive, Prestwich, Manchester, M25 0HR

Appeal lodged: 29/05/2025

Appeal Type: Written Representations

Proposal Two storey extension at front, single storey rear extension and conversion of existing garage to living accommodation with single storey front extension

Total Number of Appeals Lodged: 2

**Planning Appeals Decided
between 20/05/2025 and 15/06/2025**



Application No.: 71258/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Powsney

Location: 20 Thurston Close, Bury, BL9 8NW

Proposal: Two storey front porch extension.

Appeal Decision: Dismissed

Date: 22/05/2025

Appeal type: Written Representations



Appeal Decision

Site visit made on 29 April 2025

by K Mansell BA (Hons) MPhil TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/T4210/D/25/3361222

20 Thurston Close, Bury BL9 8NW

- 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 Howard Powsney against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 71258.
 - The development proposed is described as 'proposed two storey front porch extension'.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. Thurston Close is a small residential cul-de-sac of detached and semi-detached red-brick houses with relatively consistent architectural features, including vertical sections of render, cladding, or tiles, and curved front bays and similar window proportions. Despite slight variations in building line, the setback behind open gardens or driveways contributes to a reasonably cohesive street scene.
4. The appeal property at No 20 is a two-storey house at the end of the cul-de-sac. It shares a driveway with 22 Thurston Close, accessed from the turning head with a fully hard surfaced front garden. In appearance, it resembles the adjoining semi at 18 Thurston Close, particularly in terms of the use of materials, window proportions, and a front porch. The appeal scheme would replace the existing single storey porch on the appeal property with a two-storey front extension.
5. The double height extension would project noticeably beyond the appeal property's front elevation. Consequently, even though the site is neither within a Conservation Area nor a designated heritage asset, and the front gabled design would reflect other dwellings on the road, it would be a prominent addition due to its scale and position. Being to the front of the house, it would also be visible from many vantage points along the Close on the approach to the turning head. As a result, it would perceptibly alter the character and appearance of the dwelling within the street. Even the use of full height ground floor glazing, matching render and roof tiles and a living wall would not mitigate this harm.

6. The extension would also be splayed at ground floor level so that it would not overlap the boundary line shared with No. 22. It has been put to me that this configuration would enhance vehicular manoeuvrability within the curtilage of both properties. However, there is no substantive evidence before me, such as a swept path or parking plan, to support this claim and the existing arrangement appears to have been in situ for some time. In any event, I observed no other two-storey front extensions in the street, and given its visibility from the road, the proposal would appear incongruous and harmful to the character of the street scene.
7. My attention has been drawn to other extended properties in the locality. Those at Hillsborough Drive and Randale Drive do not obviously appear to include a double-height front extension. The two-storey extension to the front of 136 Parkhills Road mirrors that on the adjoining semi at No 134, incorporating window proportions that match the host dwelling. The house at 126 Parkhills Road is detached, and the front extension sits between two bay windows. For these reasons, on the evidence presented, I do not find these cases to be directly comparable with the appeal proposal. In any event, I am required to reach conclusions based on the individual circumstances and merits of this appeal.
8. For these reasons, I conclude that the proposal would be harmful to the character and appearance of the surrounding area. It would therefore conflict with Policy H2/3 of the Bury Unitary Development Plan (1997), which requires development to, amongst other matters, be of a proportion and appearance that has appropriate regard to the character of the area. It would also conflict with guidance within the Council's Alterations and Extensions to Residential Properties Supplementary Planning Document 6 (2010), which includes a presumption against large front extensions and advice that any front extensions should respect the street scene.

Other Matters

9. I recognise the benefits of the proposed scheme in providing improved living space to the front of the house, located away from the commercial unit at the rear. However, personal circumstances seldom outweigh more general planning considerations, particularly where development would be permanent. Moreover, my assessment is confined to the appeal scheme before me. It does not extend to considering alternative methods for achieving additional accommodation.
10. I also acknowledge that no third-party representations were received. However, neither this, nor the absence of any identified harm by the Council to the living conditions of neighbouring occupiers, nor the intention to use sustainable methods of construction, justify development that would have an adverse impact on the character and appearance of the surrounding area.
11. Concerns regarding the manner in which the application was considered by the Council fall outside the scope of this decision.

Conclusion

12. The proposal would conflict with the development plan as a whole, and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

K. Mansell

INSPECTOR

**Details of Enforcement Appeal Decisions
between 20/05/2025 and 15/06/2025**



Location: 530 Bury New Road, Prestwich, Manchester, M25 3BD

Case Ref:
0029 / 23

Issue: Unauthorised decking

Appeal Decision: Enf upheld 04/06/2025

Location: Eagle and Child, 3 Whalley Road, Shuttleworth, Bury, BL0 0DL

Case Ref:
0443 / 24

Issue: Unauthorised building works.

Appeal Decision: Enf upheld 29/05/2025



Appeal Decision

Site visit made on 28 May 2025

by **Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th June 2025

Appeal Ref: APP/T4210/C/24/3355428

Land at 530 Bury New Road, Prestwich, Manchester M25 3BD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act").
 - The appeal is made by Mr Nikkil Binov against an enforcement notice issued by Bury Metropolitan Borough Council.
 - The notice was issued on 22 October 2024.
 - The breach of planning control as alleged in the notice is without the benefit of planning permission, the installation of raised steel decking (measuring above 30cm from natural ground level) with associated privacy screening and steps at the rear of the property.
 - The requirement of the notice is to: remove the raised steel decking and associated screening and steps from the rear of the property.
 - The period for compliance with the requirement is 90 days after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied by:
 - the deletion of "90 days" and its substitution with "4 months" as the period for compliance.
2. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Reasons

The appeal on ground (a)

3. The main issue is the effect of the raised decking and privacy screen on the living conditions of the occupiers of 528 and 532 Bury New Road.
4. This split-level semi-detached property is part of a row of properties with rear gardens that adjoin one another. Tall boundary fences line the appeal property's side boundaries with Nos 528 and 532 who also have rear facing window openings that face in an easterly direction.
5. The justification to saved Policy H2/3 of the Bury Unitary Development Plan "(UDP)" explains about the effect that extensions and alterations can have on neighbouring occupiers. Supplementary Planning Document 6 ("SPD") goes on to say that domestic extensions will not normally be permitted if the proposal reduces privacy through direct overlooking from balconies or areas of raised decking. The SPD states that adequate privacy standards in neighbouring properties should be maintained from new areas of raised decking.
6. The raised decking provides level access off the appeal property's extended

ground floor, but owing to ground level differences, it is raised up above the rear garden. Therefore, it provides an elevated useable outdoor space for the occupants of the dwelling as part of their garden close to No 532, especially.

7. Mutual overlooking is common in residential areas with semi-detached properties such as this, chiefly from upper floor windows, but that does not mean that occupiers should not expect an adequate level of privacy in their own home, including their garden. The proposal does not achieve this, as the raised decking enables occupiers of the appeal property to directly overlook the tall boundary fences and into the rear gardens of Nos 528 and 532, which detrimentally affects their privacy. Vegetation along the boundaries does lessen the effect somewhat but it does not prevent the loss of privacy entirely. Nor can it be relied upon to be present in perpetuity.
8. The situation with No 532 is exacerbated by the privacy screen erected along this boundary, which extends far higher than the boundary fence that continues to the property's rear boundary. The privacy screen does stop persons using the raised decking from viewing the immediate rear garden and rear-facing windows of No 532, and likewise, the occupants of No 532 would not be able to see people using the raised area of decking directly at the rear of the dwelling. However, the privacy screen is of a considerable height and, on its own, is an oppressive boundary treatment that has created a solid barrier with No 532 that adversely affects the lounge and immediate rear garden.
9. I note the balcony in the rear elevation of No 532, but this does not benefit from planning permission as it differs from the Juliet balcony that was granted planning permission. I understand that the Council has an active enforcement investigation, and that is a matter for the Council in the first instance, and while the Juliet balcony would have likely introduced a degree of overlooking, it would have been set back from the extended appeal property. But, even if I took the balcony in situ into account, the raised decking and privacy screen would still have a harmful effect on the living conditions of No 532 for the reasons stated.
10. Although the proposal may have improved the living conditions of the occupants of the appeal property, and it has a pleasant finish, its design has caused a material harm to the living conditions of the occupiers of Nos 528 and 532 due to a direct loss of privacy. While a planning condition is suggested to secure a privacy screen along the flank of the raised decking nearest to No 528, there are no details before me, so I cannot be certain that it would overcome the identified harm and therefore pass the test of necessity. Hence, I conclude that the proposal conflicts with saved UDP Policy H2/3 and the SPD, which jointly seek, among other things, proposals for raised decking to not cause direct overlooking so that neighbouring properties maintain adequate privacy standards.

Other matters

11. Although concerns are raised by residents about noise and disturbance, I have found the proposal, which I have considered on its planning merits, to be unacceptable for other reasons, notwithstanding the application that the Council refused planning permission for.
12. The courts have taken the view that planning is concerned with land use in the public interest so that the protection of private interests, such as the impact of a proposal on the value of a neighbouring property, are not material considerations.

Conclusion on ground (a)

13. The proposal does not accord with the development plan, and there are no material considerations that indicate that a decision should be made other than in accordance with it. Therefore, the appeal on ground (a) does not succeed, and I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

The appeal on ground (g)

14. An appeal on ground (g) is that the period specified in the notice falls short of what should reasonably be allowed.
15. The appellant contends that 90 days is too short a time period to enable the appellant to engage a contractor and a structural engineer to undertake the required works. They also cite the financial implications of carrying out the notice's requirement. The appellant says that six months would provide a sufficient period of time. The Council disagrees with the suggested longer time period but does not explain why, bearing in mind the appellant's points.
16. There is no evidence outlining the unavailability of contractors or structural engineers to carry out the works in a 90-day time period. That said, in my experience, the former are usually busy at this time of year, so I consider a slightly longer time period would be reasonable. I do not consider six months to be reasonable due to the lack of substantive evidence provided by the appellant, but I do consider four months to strike a fair and proportionate balance between providing a reasonable time period and remedying the breach of planning control. The stated financial implications of carrying out the works do not influence my view, as there are no details of this before me, and the appellant has, in any event, known that planning permission was required for the raised decking and privacy screen. The appeal on ground (g) therefore succeeds.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation as the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent, and I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Andrew McGlone

INSPECTOR

Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 29 May 2025

Appeal ref: APP/T4210/C/25/3361660

Land at the Garden of the Eagle and Child, 3 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0DL

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Mr J Francis (Daniel Thwaites Plc) against an enforcement notice issued by Bury Council.
- The notice was issued on 30 January 2025.
The breach of planning control as alleged in the notice is: Unauthorised structure (known as a 'Tipi') with the garden of the Eagle and Child".
The requirements of the notice are: "a) Remove the structure, referred to as a 'Tipi' and remove from the site b) Remove the heating apparatus that serves the 'Tipi'."
- The time period for compliance with the notice is: "...by 5th of May 2025, being 2 calendar months from the date which this notice takes effect".
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld but with variation.

Reasons for the decision

1. The main reason given for requesting more time to comply with the requirements of the notice is in order to allow time to investigate the scope to replace the tipi with a more permanent higher quality structure and to allow for existing bookings to be honoured. To that end, the appellant requests that the compliance period be increased to 12-18 months in order to progress pre-application discussions with the Council and obtain planning permission. However, while I note the appellant's reasons, to extend the compliance period to 12-18 months would be tantamount to granting a temporary planning permission, which I have no authority to do in an appeal under ground (g) only. I am also mindful that more than 2 months have elapsed since the appeal was submitted with enforcement action effectively suspended.
2. Added to this, the Council have stated that at the time of writing their statement no approaches have been made by the appellant to discuss a more permanent structure. They also contend, and is not disputed, that the appellant is still taking bookings in spite of the fact that enforcement action has been taken. If this is the case, then clearly this is a situation of the appellant's own making.
3. As the compliance period will begin again from the date of this decision, the appellants will effectively have had more than 4 months in which to remove the tipi and heating

apparatus from the appeal site as required by the notice. I am not satisfied there is good reason to extend this period further. The appeal fails accordingly.

4. While I am dismissing the appeal, I consider it necessary to vary the wording in the time for compliance with the notice as the date of 5 May 2025 is now not appropriate.

Formal decision

5. For the reasons given above, the appeal is dismissed but it is directed that the enforcement notice be varied under section 6 '**TIME FOR COMPLIANCE**' by the deletion of "by the **5th May 2025** being", with the substitution of "within", so that the time for compliance now reads "The steps detailed as a) and b) in Section 5, above, to be completed in full within 2 Calendar months from the date which this notice takes effect". Subject to this variation the notice is upheld.

K McEntee