

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	28th OCTOBER 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"> - Lodged - Decided <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - Lodged - Decided
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 Lodged
between 22/09/2014 and 17/10/2014**



Application No.: 57118/FUL **Appeal lodged:** 01/10/2014
Decision level: COM **Appeal Type:** Public Inquiry
Recommended Decision: Minded to Approve

Applicant: Peel Environmental Ltd & Marshalls Mono Ltd
Location: Fletcher Bank Works, Manchester Road, Ramsbottom, Bury, BL0 0DD

Proposal: Construction and operation of an Anaerobic Digestion plant including main reception building, biogas holder, associated storage tanks, 2 CHP engines, standby flare, service yard, weighbridge and offices, water management lagoon and landscaping (resubmission)

Application No.: 57261/FUL **Appeal lodged:** 25/09/2014
Decision level: DEL **Appeal Type:** Written Representations
Recommended Decision: Refuse

Applicant: Mr Peter Nuttall
Location: Land at 252 Turton Road, Tottington, Bury, BL8 4AJ

Proposal: Erection of 1 no. dwelling (resubmission)

Application No.: 57606/FUL **Appeal lodged:** 06/10/2014
Decision level: DEL **Appeal Type:** Written Representations
Recommended Decision: Refuse

Applicant: Mr Daniel Bolton
Location: 4 Lomond Drive, Bury, BL8 1UL

Proposal: Two storey extension at side and rear (resubmission)

Application No.: 57709/FUL **Appeal lodged:** 07/10/2014
Decision level: DEL **Appeal Type:** Written Representations
Recommended Decision: Refuse

Applicant: Mr Phil Lockett
Location: 4 Keighley Close, Bury, BL8 2JY

Proposal: Part two storey and part first floor extension at side

Total Number of Appeals Lodged: 4

**Planning Appeals Decided
between 22/09/2014 and 17/10/2014**



Application No.: 57654/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Dean Jackson

Appeal Decision: Allowed

Date: 29/09/2014

Appeal type: Written Representations

Location: 528 Holcombe Road, Greenmount, Bury, BL8 4EJ

Proposal: Two storey extension at side/rear, first floor rear extension and garage conversion; Porch/single storey extension at front; Decking and balustrade at rear; Bin store at front

Application No.: 57727/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Martin Edwards

Appeal Decision: Dismissed

Date: 14/10/2014

Appeal type: Written Representations

Location: 16 Cleveland Close, Ramsbottom, Bury, BL0 9FH

Proposal: Two storey extension at side/front

Copies of the Appeal Decisions are attached



Appeal Decision

Site visit made on 19 September 2014

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 29 September 2014

Appeal Ref: APP/T4210/D/14/2223710

528 Holcombe Road, Greenmount, Bury, BL8 4EJ

- 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 Dean Jackson against the decision of Bury Metropolitan Borough Council.
 - The application Ref 57654 was refused by notice dated 14 July 2014.
 - The development proposed is a two storey side and rear extension, decking at the rear and a bin store at the front.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side and rear extension, decking at the rear and a bin store at the front at 528 Holcombe Road, Greenmount, Bury, BL8 4EJ in accordance with the terms of the application, Ref 57654, dated 4 June 2014 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: 14/052/01, 14/052/02, 14/052/03, 14/052/04, 14/052/05 and 14/052/06.
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Main issue

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

Reasons

3. The appeal property is a semi-detached property with a bay front and a car port to the side. The site is within a predominately residential area where it forms part of a group of four similar properties. There are however a variety of properties on Holcombe Road, including semi-detached and detached properties and dormer bungalows. A range of styles and designs are similarly evident although the housing in the area is set within relatively spacious plots and enhanced by mature landscaping.

4. The appeal proposal is to construct a two storey side and rear extension, with the rear extension partly proposed over an existing single storey rear outrigger. The development proposed also includes decking, a garage conversion and link to the main house, and a single storey front extension.
5. The appeal scheme would introduce two storey built development up to the side boundary of the site. Whilst this would reduce the gap between the appeal property and the neighbour at No. 526, the proposed side extension would replicate the hipped end roof, and so maintain a separation at roof level, allowing continued views of the sky from the road. I recognise that the Supplementary Planning Document 6: Alterations and Extensions to Residential Properties (SPD) requires a set back of at least 1.5m from the main front elevation of a house. However, it also states that in certain circumstances this requirement may be relaxed. Whilst the building line on the road may not be very irregular, the adjacent property at No. 526 is of a significantly different style to the appeal property, appearing as a large individually designed detached property. This neighbouring house is also set away from the boundary with the appeal site by around 2 metres. These combined factors would ensure that the proposal would not result in a cramped appearance in the streetscene or create a terracing effect.
6. I note that a set back at first floor can provide architectural interest and allow the old and new to sit together better. In this instance, the development proposes a single storey extension to the front of both the proposed side extension and the existing property. This element of the proposal would help assimilate the side extension with the existing house, using distinctive features of the existing house design such as the hipped style roof form and would create visual interest across the largely flush front elevation.
7. The Council raise no objections to the rear extension, garage conversion or decking and given the positioning of these elements to the rear of the site and the separation and relationship to neighbouring properties, I also consider these to be acceptable.
8. I therefore conclude that the proposal would not adversely harm the character and appearance of the area and would not be contrary to Policy H2/3 of the Bury Unitary Development Plan or the aims of the SPD. Although reference has been made by both parties to discussions during the course of the application on amendments to the appeal proposal, I can confirm that I have dealt with the appeal on the basis of the submitted plans and on its own merits.
9. The Council have not suggested any conditions. I consider the standard implementation condition as well as a condition requiring compliance with the approved plans to be necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring the submission of samples of materials is necessary to ensure the satisfactory appearance of the development.

Conclusion

10. For the reasons set out above and having taken into account all other matters raised, I conclude the appeal should be allowed.

F Rafiq INSPECTOR

Appeal Decision

Site visit made on 30 September 2014

by C L Sherratt DipURP MRTPI

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

Decision date: 14 October 2014

Appeal Ref: APP/T4210/D/14/2225102

16 Cleveland Close, Ramsbottom, Bury, Lancashire BL0 9FH

- 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 Martin Edwards against the decision of Bury Metropolitan Borough Council.
 - The application Ref 57727, dated 17 June 2014, was refused by notice dated 4 August 2014.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Reasons

2. The proposal comprises a two storey side and front extension. The extension would occupy the full depth of the property and project slightly forward of the principal front elevation to incorporate the existing porch area and create additional bedroom space above. The side boundary of the appeal property is common to the rear boundary of 18, 20 and 22 Cleveland Close. The rear elevations of these properties therefore face the side elevation of the appeal property which is to be extended. A small window serving a non-habitable ensuite is proposed at first floor level which would not result in any undue loss of privacy to the occupiers of these properties. Obscure glazing could be secured.
3. The main issue is the effect of the development on the living conditions of occupiers of 20 Cleveland Close in particular, by reason of the height, size and position of the extension and proximity to windows.
4. There are several windows serving habitable rooms in the rear elevation of number 20 at both ground and first floor level. The Council's Supplementary Planning Document 6: 'Alterations and Extensions to Residential Properties' (SPG) advocates a minimum distance of 13 metres between a two storey gable wall and a ground floor habitable room window in another property as being appropriate. The proposed two storey extension would only be about 10.8 metres distant from these windows. Bearing in mind this is considered to be the minimum distance considered appropriate, the shortfall is not insignificant.
5. Given the overall mass of the extension, it is considered that it would appear unduly overbearing and dominant from within main habitable rooms and the rear garden area of number 20. The impact would be further exacerbated by

the elevated position of the appeal property in relation to the properties situated to the east. It would not be mitigated by the conifer hedging.

6. The proposed two storey extension would be contrary to Policy H2/3 of the Bury Unitary Development Plan that requires applications for house extensions to be considered with regard to, amongst other considerations, the amenity of adjacent properties. This is consistent with the National Planning Policy Framework, a core principle of which is to secure a good standard of amenity for all existing and future occupants. In this instance, the extension would have an overbearing and oppressive impact that would unacceptably compromise the living conditions that the occupiers of number 20 can reasonably expect to enjoy. The support from other local residents would not justify planning permission in light of the harm caused to this individual property and conflict with the development plan.
7. For the reasons given above I conclude that the appeal should be dismissed.

Claire Sherratt

Inspector

Details of New Enforcement Appeals Lodged
between 21/07/2014 and 17/10/2014



Case Ref: 14 /0224

Date of Appeal: 09/01/2014
Appeal Type:

Location: 27 Hazel Road, Whitefield, Manchester, M45 8EU

Issue: New door and external staircase at rear

Case Ref: 14 /0097

Date of Appeal: 10/02/2014
Appeal Type: REP

Location: 4 Lomond Drive, Bury, BL8 1UL

Issue: Unauthorised side and rear extension

Total Number of Appeal Cases:2

Details of Enforcement Appeal Decisions

between 21/08/2014 and 17/10/2014



Location: 27 Hazel Road, Whitefield, Manchester, M45 8EU

Case Ref: 0224 / 14

Issue: New door and external staircase at rear

Appeal Decision: Appeal Withdrawn

15/09/2014
