

REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	2 September 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 13/07/2025 and 20/08/2025**



Application No.: 71399/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Mohammed Iqbal Hussain

Location: 17 Bloomfield Drive, Bury, BL9 8JX

Appeal lodged: 28/07/2025

Appeal Type: Written Representations

Proposal: Extension to rear gable end roof; 2m fence to side boundary

Application No.: 71451/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr & Mrs J & C Brown

Location: Sheep Hey Farm, Leaches Road, Shuttleworth, Ramsbottom, Bury, BL0 0EC

Appeal lodged: 21/07/2025

Appeal Type: Written Representations

Proposal: Installation of a slurry lagoon

Application No.: 71734/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Refoel Weissbraun

Location: 50 Craigwell Road, Prestwich, Manchester, M25 0FE

Appeal lodged: 18/08/2025

Appeal Type: Written Representations

Proposal: Erection of a garden fence.

Application No.: 71792/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Hatel Patel

Location: 28 Alnwick Drive, Bury, BL9 8BZ

Appeal lodged: 04/08/2025

Appeal Type: Written Representations

Proposal: First floor rear extension; Installation of 1 no. obscure glass first floor window to each side elevation

Application No.: 71855/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Andrew Platt

Location: 20 Cliff Road, Bury, BL9 9SP

Appeal lodged: 21/07/2025

Appeal Type: Written Representations

Proposal: Demolition of existing garage & erection of new garage

Total Number of Appeals Lodged: 5

**Planning Appeals Decided
between 13/07/2025 and 20/08/2025**



Application No.: 71148/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Chanichei Yeshivos

Location: 106 Kings Road, Prestwich, Manchester, M25 0FY

Proposal: Single storey extension at rear and rebuilding of external wall of existing side extension

Appeal Decision: Dismissed

Date: 22/07/2025

Appeal type: Written Representations

Application No.: 71222/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Hoppley

Location: 21 Philips Drive, Whitefield, Manchester, M45 7PY

Proposal: First floor extension

Appeal Decision: Dismissed

Date: 11/08/2025

Appeal type: Written Representations

Application No.: 71365/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr G Spillard

Location: Land opposite 41 Arthur Lane, Radcliffe, Bolton, BL2 5PR

Proposal: Demolition of existing stable building and erection of 1 no. dwelling

Appeal Decision: Dismissed

Date: 18/08/2025

Appeal type: Written Representations

Application No.: 71400/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Sharif

Location: 99 Radcliffe Road, Bury, BL9 9LD

Proposal: Single storey side & rear extension; Rear dormer

Appeal Decision: Dismissed

Date: 12/08/2025

Appeal type: Written Representations

Application No.: 71768/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Lent

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

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

Appeal Decision: Part allowed

Date: 12/08/2025

Appeal type: Written Representations



Appeal Decision

Site visit made on 28 July 2025

by **Sarah Colebourne MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Appeal Ref: APP/T4210/D/25/3366684

3 Tewkesbury Drive, Prestwich, Manchester, M25 0HR

- 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 Lent against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 71768.
 - The development proposed is a single storey rear extension, two storey front extension and garage conversion.
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Decision

1. The appeal is dismissed insofar as it relates to the two storey front extension.
2. The appeal is allowed insofar as it relates to the rear extension and garage conversion/extension and permission is granted for a single storey rear extension and conversion of existing garage to living accommodation with single storey front extension at 3 Tewkesbury Drive, Prestwich, Manchester, M25 0HR in accordance with the terms of the application, Ref 71768, 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 be carried out in accordance with the following approved plans insofar as they relate to the single storey rear extension and conversion of existing garage to living accommodation with single storey front extension only: GSS24079.4 502; GSS24079.4 Rev. 1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Preliminary matter

3. The Council's decision describes the proposal as 'two storey extension at front, single storey rear extension and conversion of existing garage to living accommodation with single storey front extension' and as this describes the proposal more fully, I have considered it on this basis.

Main Issue

4. The main issue in this case is the effect of the proposed development on the character and appearance of the street scene and the area.

Reasons

5. The appeal site comprises a traditional, semi-detached two storey house which sits on an irregular shaped plot. It has a wide front elevation that sits below a main pitched roof. The double fronted elevation contains a centrally positioned front door with windows either side of that and two projecting gables above in the roof. A single width garage is located to the side of the property, and it appears that at some point in the past a two storey side extension with an irregular floor plan has been built that adjoins the main part of the dwelling and the garage.
6. The dwelling is located in a residential street in an area of properties that appear likely to have been built in the same period. Whilst there is some variety in the style and design of dwellings and some have been extended or altered, there are some characteristics and details that are common to many of the dwellings and contribute positively to the character and appearance of the street scene and the area. Those include overhanging eaves, steep gables and stained glass windows, all of which can be seen in the front elevation of the appeal dwelling.
7. Permission was granted earlier this year for a single storey front porch extension, a single storey rear extension and a garage conversion. The current proposal now includes a two storey extension in the same position as the approved porch on the central part of the front elevation between the two gables.
8. Its siting would distract from the existing gables, would disrupt the line of the overhanging eaves and would result in the removal of the original stained glass landing window, all of which are important features of the dwelling. The introduction of an additional, shallower gable would compete with and distract from the existing, steeper gables and their design would be at odds with those. The width of the extension would be greater than those gabled elements and as such the scale of the extension, together with its siting and design, would result in an overly dominant addition that would be clearly visible in the street scene. It would, therefore, significantly harm the character and appearance of the street scene and the surrounding area.
9. I find then that the proposed development would be contrary to development plan policies EN1/2 and H2/3 of the Bury Unitary Development Plan (1997) which together seek to ensure that extensions are of a high standard and do not have an unacceptable adverse impact on the character of an area.
10. I have noted that the Council has raised no objection to the rear extension and the garage conversion in this proposal which remain as approved previously and are therefore acceptable. It has not objected either to the small proposed extension to the front elevation of the garage and from what I have seen, that would be also be acceptable. Those elements would accord with the development plan policies referred to above and I shall therefore issue a split decision.

Conditions

11. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans (except for the two storey front extension) to provide certainty. A condition for matching external materials is also necessary in the interests of the character and appearance of the street scene and the area.

Conclusion

12. For the reasons given above, I conclude that the proposed two storey front extension would be contrary to the development plan and there are no material considerations that would outweigh that. The appeal should be dismissed insofar as it relates to the two storey front extension.
13. The proposed single storey rear extension and conversion of existing garage to living accommodation with single storey front extension would accord with the development plan and the appeal should be allowed insofar as it relates to those parts of the proposal.

Sarah Colebourne

INSPECTOR



Appeal Decision

Site visit made on 27 June 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/T4210/W/25/3359652

106 Kings Road, Prestwich, Bury M25 0FY

- 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 Chanichei Yeshivos against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 71148.
 - The development proposed is described as 'Single storey rear extension. Rebuild existing external wall of existing side extension.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the neighbours at 2 Fort Road (No 2) with particular regard to natural light and outlook.

Reasons

3. 106 Kings Road (No 106) is a large semi-detached property with a frontage to both Kings Road and Fort Road, located in a predominantly residential area. The proposed extension would be sited parallel with the flank elevation of the adjacent two-storey dwelling at No 2 and would extend across the full width of the appeal property. It would replace an existing single storey extension to the rear, which accommodates toilets associated with its use as a place of worship.
4. The existing extension faces a section of blank wall associated with No 2 and it is offset from the common boundary. In contrast, the proposed extension would extend further along this flank and across a side, ground floor window which serves the front room of the dwelling. This room is understood to be a dining room which is a habitable room.
5. The Council's 'Alterations and Extensions to Residential Properties' Supplementary Planning Document 6 (2010) (SPD 6) provides advice on domestic extensions. Although the appeal property is a place of worship, it is in a predominantly residential area. The guidance therefore has some value in that it provides standards which would avoid overbearing relationships with adjacent dwellings. Paragraph 3.12 of SPD 6 seeks to ensure that an extension maintains a minimum distance of 6.5m between a principal window to a habitable room in one property and a single storey blank wall of a neighbouring property.

6. As the proposed extension would be set right on the shared boundary, offset only around 1.5m from the side window of No 2, it would fall well below the SPD standard. However, I accept that less weight should be afforded to a window on a side elevation and the separation distance from the existing rear elevation of the appeal property already appears less than this standard.
7. The front room is around two thirds the depth of the ground floor of No 2 and the side window is set a good distance off the front elevation and bay window. Despite an existing fence along the common boundary, this window would afford the rear part of the room a reasonable outlook. The proposed extension would have a 'lean-to' roof which would have a similar eaves height to the one it would replace. Notwithstanding this, the proximity of the extension, and its projection across the full rear elevation of the appeal property, means it would appear overbearing and would significantly reduce the outlook from No 2's side window. Given its depth, this would be keenly felt by the occupiers of No 2 to the detriment of their enjoyment of the rear part of this room.
8. In relation to natural light, the orientation of the properties is such that the proposed extension would be sited to the north of No 2 and the effect on daylight and sunlight levels would therefore be limited. Further, there is a large ground-floor bay window on the front elevation which faces east and would afford the front room a good degree of sunlight, particularly during the morning. However, acceptability on this point does not mitigate my concerns in relation to outlook.
9. Whilst I note that the Council has recently granted planning permission for a similar single-storey rear extension to the appeal property¹ I have considered the appeal before me on its individual merits. I also note that the proposed plans were shared with the neighbour at No 2 and that no representation or objection has been received from them. However, an absence of concern or objection does not necessarily mean an absence of harm and a high standard of amenity should be achieved for both existing and future occupiers.
10. I have concluded that the proposed development would not have a harmful effect on natural light. Nevertheless, I conclude that it would cause significant harm to the living conditions of No 2 with regard to outlook. It would conflict with saved policies EN1/2 and H2/3 of the Bury Unitary Development Plan (1997) which require, amongst other things, the consideration of the relationship of the proposal to the surrounding area and that extensions and alterations consider the amenity of adjacent properties.

Other Matters

11. I acknowledge the appellant's frustration that further information in relation to the internal layout of No 2 was not requested by the Council during their consideration of the planning application. However, this is not a matter which has a bearing on this appeal, which I have considered solely on its planning merits.

Conclusion

12. The harm arising from the proposal results in conflict with the development plan that amounts to conflict with the plan as a whole.

¹ LPA Ref. 71549

13. I acknowledge that the proposed development would incorporate passive and active design features to reduce energy demand, would connect to the existing heat and energy networks and would be served by full fibre internet. Although these are benefits of the scheme, they do not amount to material considerations indicating that the appeal should be decided other than in accordance with the development plan.

14. For the reasons given above, I conclude that the appeal is dismissed.

R Gravett

INSPECTOR



Appeal Decision

Site visit made on 8 July 2025

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Appeal Ref: APP/T4210/W/25/3365662

21 Philips Drive, Whitefield, Manchester M45 7PY

- 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 Lee Hoppley against the decision of the Bury Metropolitan Borough Council.
 - The application Ref is 71222.
 - The development proposed is described as First Floor Extension onto Existing Porch.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, I saw that an extension above the porch was in situ. Whilst the application form states works have been completed and the proposal has been submitted retrospectively the plan submitted details a different roof form and materials; I have dealt with the appeal on this basis of the plan submitted.

Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal property is within a predominantly residential area which has various forms and designs of residential properties. The appeal property is a modest two storey end terraced property. Each property in the terrace has a small-scale flat roof porch at ground floor.
5. The appeal site is accessed via a set of steps and set at a higher floor level than the terraced three storey properties and road to the southeast. The façade of the terrace the appeal property is located is set forward from that of the terrace to the southeast. The extension is located on the elevation which faces flats on Linksvie Court. I observed during my site visit that the appeal property is clearly visible from multiple public vantage points.
6. Philips Drive contains different styles and designs of properties, however properties which share commonality in terms of features are located within distinct parts of the street creating architectural harmony this adds to the character and appearance of

the area. The uniformity of the appeal terrace façade is noticeably part of the character of area and the extension as built was obvious in the streetscene.

7. The extension in its current form is a dominant addition and incongruous to the property and streetscene. Whilst the appellant has proposed to render the extension and change the flat roof to a pitched roof this would not alter its prominence.
8. I note that an appeal for a similar development, albeit different roof form was dismissed in August 2024¹. I have taken into account the previous Inspectors findings and I do not disagree with them. I find that the development harms the character and appearance of the area.
9. There is conflict with Policies H2/3 of the Bury Unitary Development Plan (1997) which amongst other things seeks to ensure developments are of a high standard and sympathetic to the host property and surrounding area.
10. There is also conflict with Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties (2004, updated 2010) which amongst other things seeks to ensure developments respect the character of host properties and the streetscene.

Other Matters

11. The appellant confirms two properties on Phillips Drive have been granted planning permission for development. The information I have been provided with to compare these with the appeal proposal is limited. Nevertheless, during my site visit I did not observe any comparable extensions to the one before me, or ones which looked incongruous to the area.
12. My attention has been drawn by the appellant to other developments approved by the Council. Whilst photographs have been provided, they are not comparable to the development before me. The properties and street context for each of these extensions appear different from the appeal site context. Photographs have also been provided relating to contrasting styles not conforming to existing open streetscenes. These are also not similar to the proposed before me. Notwithstanding this each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
13. The appellant has highlighted that the development is required due to personal circumstances in terms of medical need. I have not been provided with evidence to substantiate this. I have also not been provided with evidence to demonstrate that the development would be the only way to fulfil any need of the appellant.
14. I understand that neighbouring occupants have not objected to the development, nevertheless this does not outweigh the harm I have found to the character and appearance of the area.
15. The appellant raises concern relating to the process surrounding the erection of the extension, particularly in relation to advice given and makes accusations that the Council has in some way failed to act fairly. I have no substantive evidence to support this claim and based on my findings I agree with the Council's decision.

¹ APP/T4210/W/24/3339608

Conclusion

16. For the above reasons I conclude that this appeal should be dismissed.

Chris Pipe

INSPECTOR



Appeal Decision

Site visit made on 8 July 2025

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Appeal Ref: APP/T4210/D/25/3362487

99 Radcliffe Road, Bury BL9 9LD

- 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. M Sharif against the decision of the Bury Metropolitan Borough Council.
 - The application Ref is 71400/FUL.
 - The development proposed is described as proposed single storey side and rear extension with rear dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development on (i) the character and appearance of the host property and area in general; and (ii) the living conditions of the occupants of No. 97 Radcliffe Road.

Reasons

Character and Appearance

3. The appeal property is a semi-detached bungalow with garage to the side within a predominantly residential area. The proposed design of the extension extends the full width of the plot, albeit stepped in for part of the single storey rear extension. Whilst the proposed extension would follow the form of the front façade of the appeal property, the bulky extension would introduce a dominant and contrived form of development.
4. The proposed rear dormer extending the full width of the property would create a flat roof two-storey form of development which would not be sympathetic to the existing property or area in general. This bulky addition would be an incongruous feature. Whilst I understand a two-storey side extension has been approved at No. 97, this does not justify an unsympathetic addition to the appeal property.
5. I find that the development harms the character and appearance of the host property and area in general. There is conflict with Policies H2/3 of the Bury Unitary Development Plan (1997) (the UDP) which amongst other things seeks to ensure developments are of a high standard and sympathetic to the host property and surrounding area.

6. There is also conflict with Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties (2004, updated 2010) (the SPD) which amongst other things seeks to ensure developments respect the character of host properties and the streetscene.

Living Conditions

7. The proposed development would introduce a first-floor side window in the elevation facing 97 Radcliffe Road. The SPD provides guidance that first floor windows of extensions should be a minimum of 7m between a first-floor habitable rooms directly facing a boundary with a neighbouring property. Whilst this does appear to relate to rear elevations I have not been provided with substantive reasons as to why this should not apply in this situation.
8. The SPD also confirms that extensions sited adjacent or close to a boundary should have a blank side facing the neighbour or obscure glazing and non-opening windows. Whilst there is one small rooflight also proposed to serve the bedroom the main source of natural light and view would be from the proposed first-floor side window, obscure glazed, non-opening window would not, in my view, provide adequate living conditions for future occupiers of the appeal site.
9. In terms of the two-storey extension being provided at No. 97 the proposed first-floor window with clear glazing would look onto a large blank wall close to the shared boundary, this view would also be oppressive for any future occupiers of the bedroom.
10. I find that the first-floor side window would create overlooking and loss of privacy, harming the living conditions of the occupants of No. 97 Radcliffe Road. There is conflict with Policy H2/3 of the UDP and the SPD which seek amongst other things to protect the living conditions of existing and future occupiers.

Other Matters

11. The appellant contends a similar dormer could be constructed under permitted development rights via The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I am mindful that without the other elements of the scheme at ground floor the rear dormer could not be implemented and therefore I do not consider this a legitimate fallback position. I have not been provided with substantive evidence for instance in the form of a certificate of lawful development to assess what alterations could take place under permitted development rights, as such I give this limited weight.
12. My attention has been drawn by the appellant to other developments in the surrounding area. Whilst photographs have been provided, I have no details relating to the planning history for these developments. Notwithstanding this each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.

Conclusion

13. For the above reasons I conclude that this appeal should be dismissed.

Chris Pipe

INSPECTOR

The Ombudsman's final decision

Summary: We will not investigate Mr X's complaint about the Council not taking action against a property developer. It is unlikely we would find fault.

The complaint

1. Mr X says the Council has failed to take action against his neighbour for work they are carrying out.

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 impact 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 or continue an investigation if we decide:
 - there is not enough evidence of fault to justify investigating; or
 - there is another body better placed to consider this complaint. (Local Government Act 1974, section 24A(6), as amended, section 34(B))

How I considered this complaint

3. I considered information provided by Mr X and the Council.
4. I considered the Ombudsman's Assessment Code.

My assessment

5. Mr X says the property next to his home, which is a dwelling, is being converted into a House of Multiple Occupancy (HMO). He says the property will house nine people. He says the developers have not obtained planning permission to change the property to an HMO. He says the developers have not obtained consent from him to carry out work which affects the boundary. He says they have created holes in his walls and removed joint chimney stacks.
6. Mr X says he complained to the Council, but it has not taken any action.
7. At the end of May 2025 the developer applied for planning permission for a change of use to a nine person HMO. The Council says planning permission is not needed for HMOs below nine people. It says permission only needs to be applied for when the nine people are to start living there. It does not have to be

obtained before work starts on changes to the property. It says the issues with the party wall are a private matter.

Analysis

8. We are unlikely to find fault in the Council not taking planning enforcement action. Planning rules allow homeowners to convert their properties into HMOs for less than nine people. There is no evidence there are more than eight people living in the property.
9. Damage to property caused by a neighbour's building work is normally a private legal action matter, by the property owner against the neighbour. If work is being carried out, at or near the common boundary of the properties it is possible that a Party Wall Act Agreement should have been made between the neighbours. A local authority has no part to play in this agreement – it is a civil matter between the neighbours. We are unlikely to find fault in the Council not taking action against the developer for the damage Mr X says has happened.

Final decision

10. We will not investigate Mr X's complaint because we are unlikely to find fault in the Council not taking planning enforcement action or action for property damage.

Investigator's decision on behalf of the Ombudsman