

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	24 November 2015
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"> - None to report
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 19/10/2015 and 15/11/2015**



Application No.: 58513/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Cocklestorm Fencing Ltd

Location Land adjacent to Cocklestorm Fencing, Bury Road, Radcliffe, Manchester, M26 2UT

Proposal Retrospective application for change of use from vacant land to part car park, part storage area (resubmission)

Appeal lodged: 05/11/2015

Appeal Type: Written Representations

Application No.: 58807/FUL

Decision level: COM

Recommended Decision: Minded to Approve

Applicant: Astim Ltd

Location Land to rear of Grants Arms Hotel, Market Place, Ramsbottom, Bury, BL0 9AJ

Proposal Erection of 24 (Cat C) flats for retirement housing for the elderly, communal facilities, landscaping and car parking

Appeal lodged: 27/10/2015

Appeal Type: Written Representations

Total Number of Appeals Lodged: 2

**Planning Appeals Decided
between 19/10/2015 and 15/11/2015**



Application No.: 58783/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mrs Lorna White

Location: 23 Raylees, Ramsbottom, Bury, BLO 9HW

Proposal: Two storey extension at side/rear with juliet balcony at rear

Appeal Decision: Dismissed

Date: 19/10/2015

Appeal type: Written Representations

Appeal Decision

Site visit made on 12 October 2015

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 19 October 2015

Appeal Ref: APP/T4210/D/15/3133302
23 Raylees, Ramsbottom, Bury BL0 9HW

- 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 Mrs Lorna White against the decision of Bury Metropolitan Borough Council.
 - The application Ref 58783, dated 27 May 2015, was refused by notice dated 28 July 2015.
 - The development proposed is described as a "two storey rear extension and garage conversion".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposed extension on the living conditions of the occupiers of No 29 Cotswold Close with particular reference to outlook and privacy.

Reasons

3. The appeal property is a detached house, which due to the topography is in a slightly elevated position in relation to both the house at the rear (No 29 Cotswold Close) and at the side (No 25 Raylees). The proposed extension would project approximately 2.8m from the rear of the dwelling and would extend the full width of the property.
4. Although the house to the rear of the appeal site is slightly off-set in relation to appeal property, the windows in the rear elevation face towards No 23. In order to maintain adequate privacy and prevent over dominance, *Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties (adopted March 2004 and updated January 2010)* (SPD) indicates that normally a distance of 20m should be kept between main windows that face each other.
5. In this case, the windows in the proposed extension which include a Juliet balcony would only maintain a distance of around 18m to the property at the rear. Although there is a high fence located on the boundary of these two properties, this is not sufficient to prevent overlooking from the first floor windows. As a result, the proposed extension would significantly increase the level of overlooking of this neighbouring property, and the perception of being overlooked. In addition, bearing in mind the elevated position of the appeal

- property in relation to No 29, the scale and the mass of proposed extension would have an overbearing impact on, and adversely affect the outlook from, both the rear garden and the windows on the rear elevation of this house.
6. Consequently, I consider that the proposed extension would unacceptably harm the living conditions of the occupiers of No 29 Cotswold Close with particular reference to outlook and privacy. Accordingly it would be contrary to Policy H2/3 of the Bury Unitary Development Plan (adopted August 1997) which seeks to ensure that house extensions protect the amenity of adjacent properties.
 7. I note the personal circumstances of the appellant and the desire to create additional bedrooms in order to accommodate the fostering of siblings. However, I have not been provided with any substantive evidence to show that the appeal scheme is the only way the additional bedrooms can be provided within the existing property. In any event personal circumstances will seldom outweigh more general planning considerations, and it is likely that the extension would remain long after the current personal circumstances cease to be material.
 8. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR