

# Appeal Statement

56 Windsor Road, Prestwich  
Manchester M25 0DE

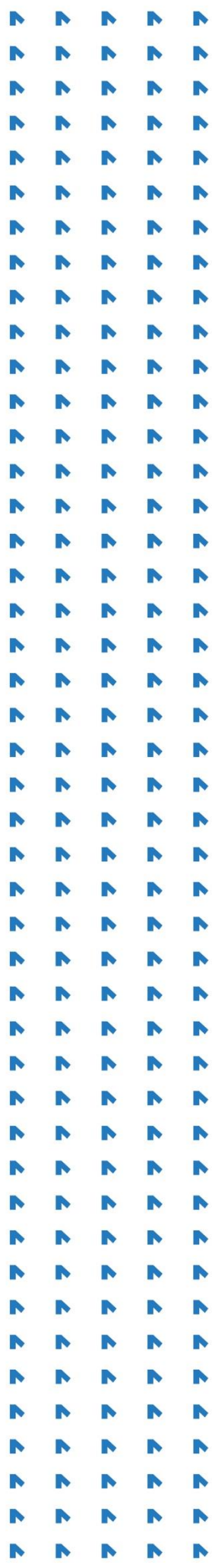
---

Regulated by RTPI

---

February  
2024

**M MIALEX**



**Mialex is a bespoke planning  
and development consultancy  
established in 2017.**

We specialise in securing planning  
permission on a wide range of  
developments across the UK and  
have a strong track record of success.

Please click below for details of our current  
projects.

**ALL PROJECTS →**

**M MIALEX**

## **Contents**

1. Introduction
2. Background
3. Site and Surroundings
4. Planning History
5. The Proposal
6. Planning History
7. Planning Considerations
8. Conclusions

## **Appendices**

1. Decision Notice – Ref 69976
2. Officer Report – Ref 69976
3. Environmental Health Consultation Response – 25<sup>th</sup> September 2023

## 1 INTRODUCTION

- 1.1 This Appeal Statement has been prepared on behalf of Mr Raj Singh following Bury Council's refusal of planning application Ref 69976, which proposed the following:

*"A loft conversion with rear dormer extension. two storey extension at side, addition of first floor window to side elevation, two storey extension at rear with amendment to balcony, new cladding to front elevation and installation of 2 ventilation mechanical intake extract units to the side elevation."*

- 1.2 The application was validated on 18<sup>th</sup> September 2023 and subsequently refused on 13<sup>th</sup> November 2023 under delegated powers (please refer to the Decision Notice and Case Officer Report enclosed at **Appendix 1** and **2**).

- 1.3 This Statement will set out why the Council's decision to refuse the planning application was unjustified in terms of local and national planning policy, and accordingly, why the appeal should be allowed.

- 1.4 The grounds of appeal are as follows:

- The external materials and detailing on the front elevation of the property are visually attractive and of a high quality. Accordingly, the dwelling successfully assimilates with the residential character of the streetscene and does not conflict with Policy H2/3 of the Bury Unitary Development Plan or Supplementary Planning Document 6;
- The extraction units are set back from the front elevation of the dwelling and do not form prominent or intrusive features within the streetscene. Accordingly, they do not have an unacceptable visual impact upon the streetscene and there is no conflict with Policy H2/3 of the Bury Unitary Development Plan or Supplementary Planning Document 6, and
- The extraction units are not seriously detrimental to the visual amenity of the occupier(s) of 50 Edenfield Road, given their placement on the side facing blank brick gable wall of the host property. Furthermore, the Council's Environmental Health Team were consulted on the application and raised no objection on the grounds of noise impact. The extraction units therefore accord with guidance contained within Policy H2/3 of the Bury Unitary Development Plan and Supplementary Planning Document 6.

- 1.5 In terms of structure, this Appeal Statement will provide a summary of the case background prior to examining the Council's reasons for refusal and demonstrating why these are unjustified and inappropriate in planning terms. The statement addresses the following:

- 1) Background;
- 2) Site and surroundings;
- 3) Planning history;
- 4) Planning policy; and
- 5) Planning considerations.

- 1.6 The statement concludes that the Council was unjustified in refusing the application, and as such, the appeal should be allowed.

## **2 BACKGROUND**

2.1 Application Ref 69976 was refused by the Council for the following reason (as worded on the Decision Notice):

- 1 The cladding to the front elevation is neither appropriate to, nor sympathetic with the existing building, and would be seriously detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 2 The proposed extraction units would, by reason of their size, position and design, be a prominent and intrusive feature in the street scene and would therefore be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 3 The proposed extraction units would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of 50 Edenfield Road, by reason of their position adjacent the boundary. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

2.2 In the context of the reason for refusal, it is considered that the key issues in respect of the proposed development can be summarised as follows:

1. Whether the cladding on the front elevation of the property results in unacceptable harm to the visual appearance of the host dwelling or wider streetscene;
2. Whether the extraction units cause unacceptable visual harm to the streetscene, and
3. Whether the extraction units result in unacceptable harm to the residential amenity of the occupiers of No 50 Edenfield Road.

### 3 SITE AND SURROUNDINGS

- 3.1 The site comprises a two-storey semi-detached residential property with a converted loft positioned on the south eastern side of Windsor Road.
- 3.2 The property features an attractive projecting bay window and external brickwork detailing which reflects its position within a suburban residential setting.
- 3.3 The visual character and appearance of the streetscene displays variation in the external appearance of residential properties, with a mix of external materials visible including red brick, white, cream and grey render.
- 3.4 Please refer to the site location plan and photographs below.



Image 1 – Extract of site location plan



**Image 2 – Photo of front elevation of property taken from Windsor Road**



**Image 3 – Photo of front and side elevation of property from Windsor Road**



**Image 4 – Photo of property from Windsor Road facing south west**



**Image 5 – Photo of front and side elevation of property from Windsor Road**



**Image 6 – Photo of neighbouring property (9 Windsor Crescent) which displays grey rendering.**



**Image 7 – Photo of neighbouring property (No 33 Windsor Crescent) which displays cream/yellow rendering**



**Image 8 – Photo of side elevation of host property demonstrating view of extraction units from the rear garden of No 50 Edenfield Road**



**Image 9 – Photo of Café opposite No 56 Windsor Road within commercial parade. This represents another example of the variation in external materials on neighbouring properties within the immediate streetscene.**



**Image 10 – Photo of extraction units from the driveway of No 50 Edenfield Road.**

#### **4 PLANNING HISTORY**

- 4.1 The site has been subject to several previous householder extension applications as summarised within the Council's delegated report at **Appendix 2**. These applications are not relevant to the assessment of the appeal scheme.
- 4.2 Within the immediate surrounding area, an application (**Ref 60233**) for single storey and first floor extensions to side and rear, a porch/canopy and new window at front and render to the external elevations at No 9 Windsor Crescent was approved on 15<sup>th</sup> July 2016 under the same adopted policy framework.
- 4.3 Please refer to **Image 6** which shows the property as built.

## **5 THE PROPOSAL**

- 5.1 The appeal scheme proposes a loft conversion with rear dormer extension, two storey extension at side, addition of first floor window to side elevation, two storey extension at rear with amendment to balcony, new cladding to front elevation and installation of 2 ventilation mechanical intake extract units to the side elevation.

## **6 PLANNING POLICY**

- 6.1 This section provides a review of relevant national and local planning policy and guidance.
- 6.2 The Development Plan comprises the Bury Unitary Development Plan and the Supplementary Planning Document 6 (Alterations and extensions to residential properties).
- 6.3 The policies relevant to the assessment of the development proposal are summarised below.

### **Unitary Development Plan**

- 6.4 Policy H2/3 (Extensions and Alterations) states that applications for house extensions and alterations will be considered with regard to the following factors:
- The size, shape, design and external appearance of the proposal,
  - The character of the property in question and the surrounding area,
  - The amenity of adjacent properties, and
  - Visibility for pedestrians, cyclists and drivers of motor vehicles.

### **Supplementary Planning Document**

- 6.5 Section 3 of the document sets out guidance in regard to the design of domestic extensions.
- 6.6 The SPD advises that a frequent problem with domestic extensions is when incompatible designs and materials are applied to a proposal, resulting in a poor relationship with the original building or street scene. Therefore, any application for a domestic extension will not normally be permitted unless the proposal:
- Achieves a high standard of design and complements the original building by reflecting its design, massing, scale and finishing materials. Specific features, such as doors, windows and roof style and eaves, should particularly reflect the dwellings original shape, size, alignment and architectural integrity;
  - Does not have a detrimental impact on the character and appearance of neighbouring properties and general street-scene through poor design, siting or excessive bulk;
  - Does not significantly reduce the amount of daylight or sunlight enjoyed by neighbouring properties;
  - Does not reduce privacy through direct overlooking from windows, balconies or areas of raised decking;
  - Does not significantly reduce the amount of usable amenity space for the property or adjacent property to an unacceptable degree;
  - Has regard to the visibility of pedestrians, cyclists and drivers of vehicles;

- Respects significant or prominent trees or other natural landscape features;
- Has reasonable regard to safety and security, including helping to design out crime;
- Has regard to the adequate storage of refuse within the site, and
- Has regard to energy efficiency and sustainability.

6.6 Whilst these guidelines seek to provide clarity and consistency, all proposals will be considered on their individual merits, and the Council acknowledges that there may be certain circumstances where flexibility in applying some standards will be required.

6.7 In respect of protecting privacy and residential amenity, the SPD confirms that the separation between aspects of dwellings and new dwellings is an important consideration in maintaining adequate privacy distances and avoiding overbearing relationships. For clarity, measurements are taken from the windows of the original neighbouring dwelling and not extensions. The Council will seek to ensure that:

- Extensions maintain a minimum distance of 13m between a principal window to a ground floor habitable room (e.g. living rooms and bedrooms) in one property and a two-storey blank wall of a neighbouring property;
- Extensions maintain 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;
- Extensions maintain adequate privacy standards by minimising overlooking into adjacent neighbouring properties from new windows, balconies and areas of raised decking. As such there should be a minimum distance of 7m between first floor habitable room windows of any extension and a directly facing boundary with a neighbouring property, and
- Extensions sited adjacent or close to a boundary should have a blank side facing the neighbour, obscure glazing, high level, or be screened by a fence or wall that extends above eye level (1.7 metres above floor level) when viewed from within the extension.

## **7 PLANNING CONSIDERATIONS**

- 7.1 The planning issues relevant to the determination of the development proposal are assessed in detail below.

**Whether the cladding on the front elevation of the property results in unacceptable harm to the visual appearance of the host dwelling or wider streetscene.**

- 7.2 In examining this issue, Page 4 of the Council's delegated report confirms that:

*"The tile cladding to the front elevation appears out of keeping with the building and character of the area. Whilst finishes to domestic properties can vary, in this instance the cladding appears as an incongruous feature in the street scene."*

- 7.3 The external materials and detailing on the front elevation of the property are visually attractive and of high quality as demonstrated by the site photographs.

- 7.4 Whilst presenting a different appearance to the adjoining neighbouring property (and others within the streetscene which incorporate traditional red brick) the attractive fenestration and projecting bay windows are retained to provide appropriate visual symmetry.

- 7.5 Furthermore, there is demonstrable variation in the external appearance of properties within the immediate streetscene, with residential and commercial properties displaying red brick, white, cream and grey render as referenced on the photographs at Section 2.

- 7.6 It is also important to note that the Council granted permission for extensions and alterations to No 9 Windsor Road (positioned approximately 100 metres to the north east of the site) in July 2016 as explained in Section 3. The proposed works included changing the external materials of the dwelling to grey render.

- 7.7 In approving the application (under the same adopted policy framework) the Council confirmed that there would be no harmful visual impact upon the streetscene irrespective of the noticeably different appearance compared to the neighbouring properties which primarily comprised red brickwork.

- 7.8 Accordingly, given the degree of variation of external materials within the streetscene, the high quality external finish and retained fenestration detailing, we fail to understand why the application was refused on this basis.

- 7.9 The property successfully assimilates with the residential character of the streetscene and does not conflict with Policy H2/3 of the Bury Unitary Development Plan or Supplementary Planning Document 6.

**Whether the extraction units cause unacceptable visual harm to the streetscene**

- 7.10 In referring to the visual impact of the proposed units, the Delegated Report contends that:

*"Due to the prominent location of the site the extraction units are visible from the main street view and appear out of place and intrusive."*

- 7.11 We disagree with this assessment on the basis that the extraction units are set back from the front elevation of the dwelling and do not form prominent or intrusive features within the streetscene.
- 7.12 The units are also effectively screened by the mature evergreen hedgerow positioned along the northern and eastern boundaries of the rear garden of No 50 Edenfield Road.
- 7.13 This is demonstrated by the selection of site photographs at Section 2. These photographs show that the units will only be visible from limited angles within the streetscene to the west of the site.
- 7.14 Accordingly, the units do not have an unacceptable visual impact upon the streetscene and there is no conflict with Policy H2/3 of the Bury Unitary Development Plan or Supplementary Planning Document 6.

**Whether the extraction units result in unacceptable harm to the residential amenity of the occupiers of No 50 Edenfield Road**

- 7.15 In examining this issue, Page 5 of the Delegated Report confirms:

*“The rear elevation of 50 Edenfield Road faces towards the extraction units which are located on the boundary, above the roof level of the garage to No.50. The rear garden to this neighbouring property is raised from the application site and units are clearly visible. A specification for the units has been provided with the application but no noise survey. The units produce a level of noise and given that they have been positioned on the boundary of No.50 it is considered that they are an unneighbourly feature both in terms of the noise they would emit and to the outlook from the private amenity space of No.50. It is noted that on consultation with the Pollution Control Section they have responded with no comment however this does not outweigh the concerns with regard to the amenity of No.50 and the units could be better positioned within the applicants curtilage.”*

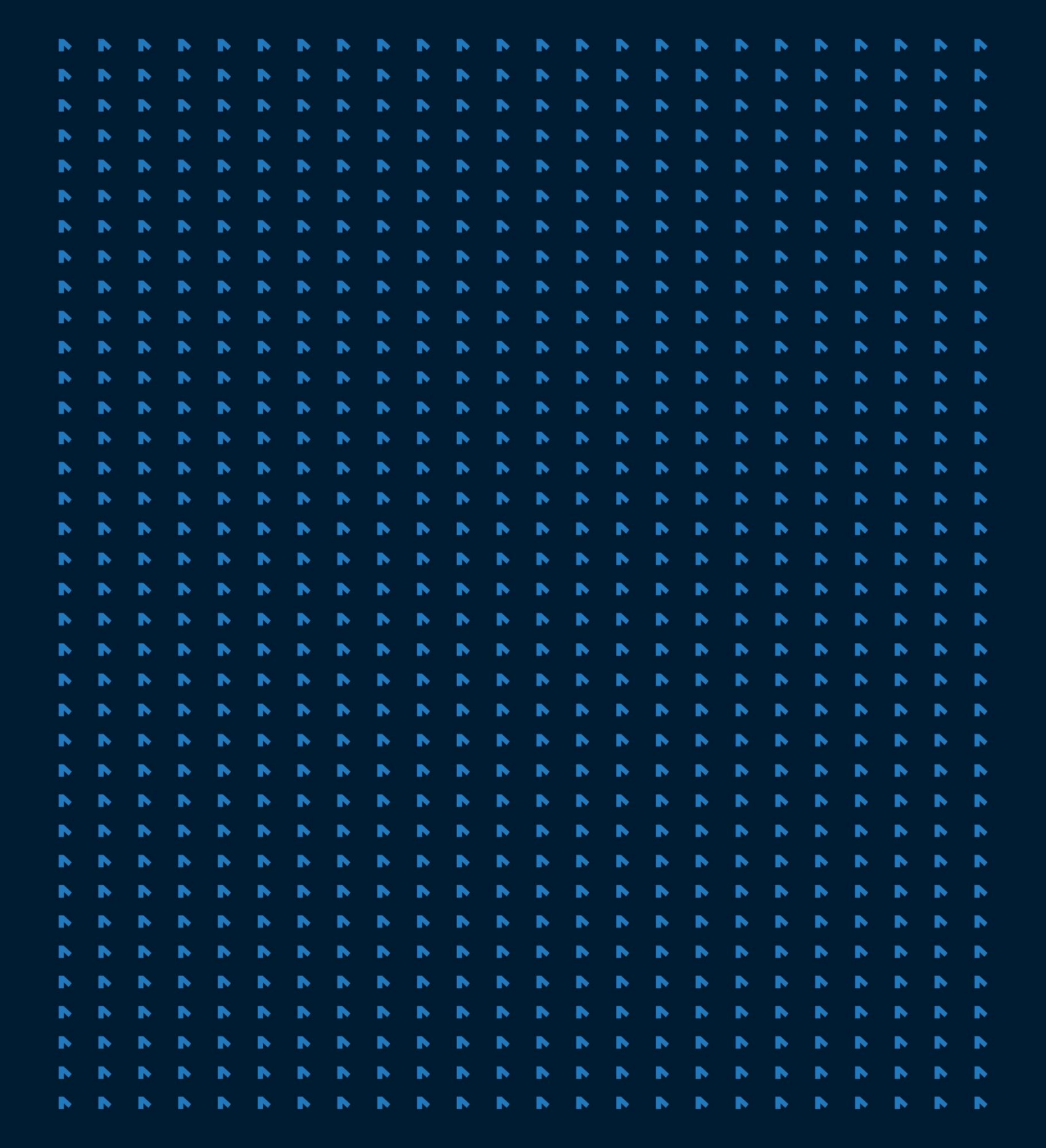
- 7.16 The units are positioned on the side wall of the host property at a distance of 8 metres from the rear elevation of the ground floor extension of No 50 Edenfield Road and 11 metres from the main rear elevation.
- 7.17 No 50 Edenfield Road is also set in an elevated position compared to the appeal site and its single garage is positioned at the end of the rear garden to provide a buffer between the garden and the units beyond.
- 7.18 Accordingly, given the separation distances and position of the units on a blank brick gable wall, we do not agree that the occupants of No 50 Edenfield Road would be suffer an unacceptable impact upon their visual amenity.
- 7.19 Furthermore, the Council’s Environmental Health Team were consulted as part of the application but raised no comment or objection on the grounds of noise (please refer to the consultation response enclosed at **Appendix 3**). The Council’s assertion that the units would have an unacceptable noise impact upon the occupiers of No 50 Edenfield Road is therefore completely unsubstantiated.
- 7.20 The extraction units thereby accord with Policy H2/3 of the Bury Unitary Development Plan and Supplementary Planning Document 6.

## **8 CONCLUSIONS**

8.1 It is concluded that the revised development proposal is in accordance with the Council's adopted Development Plan. It therefore constitutes appropriate development and should be supported for the following reasons:

- The external materials and detailing on the front elevation of the property are visually attractive and of a high quality. Accordingly, the dwelling successfully assimilates with the residential character of the streetscene and does not conflict with Policy H2/3 of the Bury Unitary Development Plan or Supplementary Planning Document 6;
- The extraction units are set back from the front elevation of the dwelling and do not form prominent or intrusive features within the streetscene. Accordingly, they do not have an unacceptable visual impact upon the streetscene and there is no conflict with Policy H2/3 of the Bury Unitary Development Plan or Supplementary Planning Document 6, and
- The extraction units are not seriously detrimental to the visual amenity of the occupier(s) of 50 Edenfield Road, given their placement on the side facing blank brick gable wall of the host property. Furthermore, the Council's Environmental Health Team were consulted on the application and raised no objection on the grounds of noise impact. The extraction units therefore accord with guidance contained within Policy H2/3 of the Bury Unitary Development Plan and Supplementary Planning Document 6.

8.2 On the basis of this assessment, it is respectfully requested that the appeal is allowed.



## Appendix 1

# NOTICE OF REFUSAL OF PLANNING PERMISSION

## Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

**To:**

Mr Benjamin Maguire  
Apartment 8  
224 Great Elowes Street  
Salford  
Manchester  
M7 2ZS

**On Behalf Of:**

Mr Raj Singh  
56 Windsor Road  
Prestwich  
Manchester  
M25 0DE

---

### PART 1 - Particulars of Application

**Application Number:** 69976

**Date of Registration:** 18/09/2023

**Proposal:**

Loft conversion with rear dormer extension;  
Two storey extension at side; Addition of first  
floor window to side elevation; Two storey  
extension at rear with amendment to balcony;  
New cladding to front elevation; Installation of  
2 ventilation mechanical intake extract units  
to side elevation

**Location:**

56 Windsor Road, Prestwich, Manchester,  
M25 0DE

---

### PART 2 - Particulars of Decision

The Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reasons:-

- 1 The cladding to the front elevation is neither appropriate to, nor sympathetic with the existing building, and would be seriously detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:  
H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties
- 2 The proposed extraction units would, by reason of their size, position and design, be a prominent and intrusive feature in the street scene and would therefore be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:  
H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties
- 3 The proposed extraction units would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of 50 Edenfield Road, by reason of their position adjacent the boundary. The proposed development therefore conflicts

with the following policy of the Bury Unitary Development Plan:  
H2/3 – Alterations and Extensions and associated Supplementary Planning  
Document 6: Alterations and Extensions to Residential Properties

**Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:**

H2/3      H2/3 - Extensions and Alterations  
SPD6      Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.  
NPPF      National Planning Policy Framework

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**Applicant Plan Numbers:**

BM/0521/WINDS2/PL1, BM/0521/WINDS2/PL2, BM/0521/WINDS2/PL3,  
BM/0521/WINDS2/PL4 Rev B

**NOTES TO APPLICANT**

Not Applicable

Signed:



2 of 2

.....  
On behalf of the Council

**Date of Decision:** 13/11/2023

## Appendix 2

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Jane Langan    | <b>Date of report:</b> 13/11/2023 | <b>Ref:</b> 69976/FUL          |
| <b>Registration:</b> 18/09/2023 | <b>LDfC:</b> 14/10/2023           | <b>Expiry Date:</b> 13/11/2023 |
| <b>Site Visit:</b> 05/10/2023   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 1            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> HOUS        |

**Proposal:** Loft conversion with rear dormer extension; Two storey extension at side; Addition of first floor window to side elevation; Two storey extension at rear with amendment to balcony; New cladding to front elevation; Installation of 2 ventilation mechanical intake extract units to side elevation

**Location:** 56 Windsor Road, Prestwich, Manchester, M25 0DE

### **Description**

The property is a bay fronted extended semi detached house. The front garden is all hard surfaced providing parking and to the rear is a fenced garden. The adjoining property is No.58 and has a patio doors to the party wall side with a lean to roof over and is then extended two/single storey. To the opposite side the site borders the rear of 48 & 50 Edenfield Road. No.50 has a drive and detached garage alongside the side of the site. These two neighbouring properties are at a slightly higher level. The rear site boundary borders the rear garden to 47 Windsor Crescent which sits with its side elevation facing.

Works commenced on approval 66998 for a two storey extension to the side and rear, a single storey rear extension and a rear dormer. Following a complaint to, and investigation by, the enforcement team that works were not being carried out in accordance with the approved plans application 69064 was submitted. This was refused as the design was unacceptable with the side dormer wall forming part of the side brick gable wall. Application 69348 was submitted to address this by setting the dormer 0.3m below the ridge and in from the side of the roof and tile hanging the walls to match the main roof. Following further investigation by the Enforcement Team it has arisen that there are further breaches to the approved scheme. The balcony has not been built flush to the rear wall, the front elevation has been clad in cream tiles and three extraction units have been added to the side elevation.

These alterations have been added to this proposal and the extensions and this submitted application comprise of :-

A two storey extension at the side to the rear of the existing one. It would project for 5.8m of which 3.2m would project beyond the rear elevation for 3.6m across. At this point it would be set back by 1.3m to form a balcony for 4.3m across. The remaining 1m across to the party wall would be single storey and 3.2m deep. The loft would be converted to provide accommodation and a flat roofed dormer added to the rear slope. The dormer is proposed to be set 0.2m below the ridge and 0.2m in from the roof edge which would see it built from the side wall level. The integral garage would converted to a reception room.

### **Relevant Planning History**

65792 - Two storey extension at side; Two/single storey extension at rear - AC 28/09/2020  
66998 - Loft conversion with rear dormer extension; Two storey extension at side;  
Two/single storey extension at rear - AC 09/08/2021  
68152 - Non material amendment following approval of planning permission 66998-

Increase dormer loft width by 2.5m - Refused 15/03/2022

69064 - Loft conversion with rear dormer extension; Pitched roof to existing bay at front; Two storey extension at side; Addition of first floor window to side elevation; Two storey extension at rear with balcony - Refused 13/01/2023

69348 - Loft conversion with rear dormer extension; Two storey extension at side; Addition of first floor window to side elevation; Two storey extension at rear with balcony - AC 04/04/2023.

### **Publicity**

Surrounding neighbours were notified by letter and 1 response has been received from a nearby neighbour. Their concerns in summary are :-

- Position of extract units. Inches above garage and visible from rear windows and garden. Should be relocated to the rear of the site.
- Loss of privacy from side bathroom window
- Fascia board spot lights are not addressed in notification letter. Cause light pollution to rear of my property

### **Statutory/Non-Statutory Consultations**

**Environmental Health** (Pollution Control) - No comments to make.

**Pre-start Conditions** - Not relevant.

### **Unitary Development Plan and Policies**

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

NPPF National Planning Policy Framework

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Equality Act 2010:** All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

**Human Rights:** All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life

and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

**The Crime and Disorder Act 1998** imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

Paragraph 41 of the National Design Guide states that ". Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical, including:

" the existing built development, including layout, form, scale, appearance, details, and materials;

Paragraph 126 of the NPPF considers that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 134. of the NPPF considers that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

(a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or

(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

### **Visual amenity and design**

The property is located on a plot that, due to levels, sees the side elevation highly visible in the street scene. Originally the existing two storey side extension had a flat roof. Approval 66998 was to extend with a pitched roof forming a side gable wall and a flat roofed dormer set in from the gable wall and its walls tile hung. The works that have been constructed, with the side of the dormer built up as part of the brick side gable wall, have been previously refused. It is now proposed to set the side dormer wall in by 200mm from the

roof edge and by 200mm below the ridge and the walls to be tile hung to match the existing roof. With the dormer wall set in from the roof edge and the separation from the fascia boards, as shown on the plans, the resulting development would appear as a dormer addition rather than the current poor design of a flat roofed brick extension.

To the rear the two storey would have a hipped roof and the set back section, where the balcony would be, would also be hipped. Materials for the extension are not noted on the form however the brickwork and roof tiles are matching the existing.

The tile cladding to the front elevation appears out of keeping with the building and character of the area. Whilst finishes to domestic properties can vary, in this instance the cladding appears as an incongruous feature in the street scene.

Due to the prominent location of the site the extraction units are visible from the main street view and appear out of place and intrusive. The plans show 2 extract units however as can be seen from the site photos there are 3 on the side elevation.

In conclusion, for the reasons as stated above, the extensions are considered acceptable but the cladding and extraction units are not and would be seriously detrimental to the visual amenity of the area.

**Parking** - The proposal would increase the number of bedrooms from 4 to 7 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered. This can then require the proposal to provide a maximum of 3 parking spaces. The frontage of the property is fully hard surfaced as existing. There is no scope to add any parking and the proposal would not lose any area of parking. The area is high access in terms of available public transport. In this instance then there are not considered to be grounds for refusal with regard to parking.

#### **Residential amenity -**

**Extensions** - In relation to the adjoining No.58 the single storey would project 3.2m deep along the boundary. A 3m extension could be constructed under permitted development and as such it is not considered that the additional 0.2m would cause any significant loss of light or overshadowing to give grounds for refusal. Where two storey the proposed extension would not encroach a 45 degree line taken 1m out along the shared boundary which would comply with the criteria as set out in SPD6.

50 Edenfield Road is located to the west side and is higher. Its rear elevation faces towards the side of site and it is extended single storey. There would be 13m from the proposed two storey side wall to the original rear elevation to this property. The proposed window to the first floor side would be to an ensuite. Its obscure glazing can be controlled by means of condition.

There would be a distance in excess of 7m from the first floor bedroom window of the proposed extension, and from the balcony, to the rear boundary with 47 Windsor Crescent. There would be approximately 12m from the dormer to this boundary with the window also to a landing, a non habitable room.

The separation distances would comply with SPD6 Aspect Standards set out in order to provide sufficient privacy distances and prevent overbearing relationships.

**Balcony** - The proposal includes a balcony which would be set 1m in from the boundary with No.58 and the plans note an obscure glazed screen to the this side. This could be controlled by means of condition to be maintained as obscure glazed and to 1.7m in height from balcony floor level. To the opposite end the balcony would be screened by the two storey that projects deeper. In terms of useable outside amenity space the balcony would be a small area and would be set 1m in from the shared boundary and at 2m out from the rear elevation of No.58 and therefore away from its first floor habitable room window.

No.50 and 48 Edenfield Road have rear gardens bordering the site. The proposed balcony would not be flush to the rear elevation but its projection is minimal and it would sit to the side of the two storey extension providing screening to this side and the balcony facing directly down the site garden.

There would be a distance in excess of 7m from the balcony to the rear boundary with 47 Windsor Crescent which would be sufficient to comply with SPD6 aspect standards and No.47 sits with its side elevation to the site boundary.

**Extraction Units** - The rear elevation of 50 Edenfield Road faces towards the extraction units which are located on the boundary, above the roof level of the garage to No.50. The rear garden to this neighbouring property is raised from the application site and units are clearly visible. A specification for the units has been provided with the application but no noise survey. The units produce a level of noise and given that they have been positioned on the boundary of No.50 it is considered that they are an unneighbourly feature both in terms of the noise they would emit and to the outlook from the private amenity space of No.50. It is noted that on consultation with the Pollution Control Section they have responded with no comment however this does not outweigh the concerns with regard to the amenity of No.50 and the units could be better positioned within the applicants curtilage.

As the proposal includes elements that are unacceptable and contrary to UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties in terms of visual and residential amenity it is recommended that the application is refused.

**Response to objections** - The impact of the first floor side window and extraction units on the relevant neighbouring properties are addressed in the above report. The fascia board spot lights are not included in the application and in general external lighting is not included on householder applications. Any light pollution from a property would be dealt with under environmental legislation where appropriate.

### **Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Refuse

### **Conditions and Reasons:**

- 1 The cladding to the front elevation is neither appropriate to, nor sympathetic with the existing building, and would be seriously detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:  
H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties
- 2 The proposed extraction units would, by reason of their size, position and design, be a prominent and intrusive feature in the street scene and would therefore be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:  
H2/3 – Alterations and Extensions and associated Supplementary Planning

Document 6: Alterations and Extensions to Residential Properties

- 3 The proposed extraction units would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of 50 Edenfield Road, by reason of their position adjacent the boundary. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:  
H2/3 – Alterations and Extensions and associated Supplementary Planning  
Document 6: Alterations and Extensions to Residential Properties

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| JL - 13/11/2023     |             |                         |             |

## Appendix 3

---

**From:** Hall, Rob A  
**Sent:** 25 September 2023 09:48  
**To:** Development Control  
**Subject:** RE: Initial Consultation on Planning Application

No comment from EH



**Rob Hall**

Unit Manager, Commercial Team  
Bury Council | Department for Operations | Public Protection  
3 Knowsley Place | Duke Street | Bury | BL9 0EJ  
Email: [r.a.hall@bury.gov.uk](mailto:r.a.hall@bury.gov.uk)



Follow us on



***Please note that the opinions given are those of this department at this time and are subject to change in light of legal developments. Only the courts can give a definitive interpretation of the law.***

**Privacy Policy**

please visit [www.bury.gov.uk/privacy](http://www.bury.gov.uk/privacy) to read our recently updated Privacy Policy which explains how Bury Council uses and shares your personal data to give you the best possible experience across our services.

---

**From:** Development Control <Development.Control@bury.gov.uk>  
**Sent:** Friday, September 22, 2023 10:15 AM  
**To:** Neighbourhoods Enforcement <Neighbourhoods.Enfor@bury.gov.uk>  
**Subject:** Initial Consultation on Planning Application

**ENVIRONMENT & DEVELOPMENT SERVICES**  
**(DEVELOPMENT CONTROL)**  
**INTERNAL MEMORANDUM**

**Date:** 22 September 2023

**To:**

Pollution Control

Environmental Health

3 Knowsley Place

Duke Street

Bury

**Proposal: Loft conversion with rear dormer extension; Two storey extension at side; Addition of first floor window to side elevation; Two storey extension at rear with amendment to balcony; New cladding to front elevation; Installation of 2 ventilation mechanical intake extract units to side elevation**

**Location: 56 Windsor Road, Prestwich, Manchester, M25 0DE**

**Application No. 69976**

**Grid Ref: 383285 403122**

I wish to notify you that the above planning application has been received and the plans and associated documents can be viewed at <https://planning.bury.gov.uk/online-applications> by following the link to the planning application register and typing in the case number 69976 or by clicking on the link below.

[link to website](#)

Plans are normally available to view within 2 working days of the date of this email.

If you have any views on the proposal please respond by 13 October 2023. If I have not received your reply within this period, I reserve the right to determine the application unless, within the time allowed for your reply, you have formally requested additional time to consider the application.

Such a request must be accompanied by fully detailed reasons for granting an extension of time and may be cited to the applicant and the general public as being the cause of any failure on the part of the Council to determine the application within the statutory period. The Council will give full publicity to such causes of delay in accordance with Circular 28/83.

If you would like more time to consider the application, please contact the case officer, Jane Langan