

The Planning Inspectorate,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol,
BS1 6PN

19 March 2025

Dear Sir/Madam,

**FINAL COMMENTS FOR APPEAL REFERENCE: APP/T4210/C/24/3355428 - 530
BURY NEW ROAD, PRESTWICH, MANCHESTER, M25 3BD**

Thank you for providing a copy of the Council's case and third party comments. The Appellant's previously provided Statement of Case sets out the full grounds of appeal and addresses the issues raised. Mindful of the purpose of final comments and the contents of the previously provided appeal statement, only the pertinent points will be discussed.

Response to Council's Statement of Case

i) Relationship with No. 528

The appellant disputes the claim that the raised decking results in an unacceptable reduction in privacy for No. 528. The presence of existing boundary vegetation provides natural screening, and additional screening solutions have been proposed to mitigate any potential impact. While the Council argues that vegetation is not a permanent feature, it is standard practice for boundary treatments including fencing, hedging, and planting to be used as privacy mitigation. The Council's dismissal of this factor is therefore



inconsistent with general planning principles. The decking is located approximately 5m from the boundary, a reasonable separation distance. Given the existence of mutual overlooking due to topography and surrounding built form, it is disproportionate to suggest that the development introduces a significant new impact.

ii) Relationship with No. 532

The Council's claim that the privacy screen is "oppressive and dominant" is subjective and lacks an objective assessment against relevant design standards. The appellant maintains that the proposed screening is proportionate and necessary to mitigate overlooking concerns. The appellant also highlights the inconsistency in the Council's approach to assessing similar developments. The balcony at No. 532, which also introduces a degree of overlooking, has not been subject to equivalent scrutiny. While the Council states that an enforcement case has been opened, this does not negate the argument that the raised decking at No. 530 should be assessed on a comparable basis.

iii) Previous Lawful Situation

The Council argues that the previous lawful situation was at ground level and that the decking creates a new and distinct overlooking impact. However, this fails to acknowledge the existing levels of mutual overlooking inherent to properties along this section of Bury New Road. The difference in height referenced by the Council (1.6m) does not represent a significant elevation in the context of typical residential extensions and alterations. Furthermore, the appellant has demonstrated a willingness to implement additional screening solutions to further mitigate concerns.

Response to Council's Case on Ground (g)

The Council asserts that 90 days is a reasonable period for removal of the structure. However, this fails to account for practical considerations such as availability of contractors and financial implications. The appellant requests an extension of the compliance period to a minimum of six months.



The appellant contends that the raised decking does not result in an unacceptable impact on neighbouring amenity and that mitigation measures can be implemented to address any perceived concerns. The Council's approach has been inconsistent and disproportionate in its enforcement, and it is respectfully requested that the appeal be allowed, or in the alternative, that an extended compliance period be granted to facilitate removal if deemed necessary.

Third Party Comments

1. Privacy and Overlooking

The appellant has taken reasonable and proportionate steps to mitigate any perceived loss of privacy. A privacy screen has been installed, which is a widely accepted measure in planning terms to address overlooking concerns. While the objector describes the screen as an "eyesore," subjective aesthetic preferences do not form a material planning consideration. The screen serves its intended purpose of providing visual separation between the properties and mitigating any potential overlooking.

Furthermore, it should be noted that the existing boundary treatments, along with the natural screening in the form of foliage, contribute to reducing any direct intervisibility between properties. The claim that the garden is "fully overlooked" is not accepted.

2. Noise and Disturbance

Allegations regarding excessive noise and late-night activities are not substantiated with any cogent evidence.

3. Height Concerns

The appellant acknowledges that retrospective planning permission was sought after initial construction. However, it is important to note that retrospective applications are a legitimate part of the planning system, allowing applicants the opportunity to regularise developments.



The appellant maintains that the structure, with appropriate screening, does not result in significant harm that would warrant its complete removal. The reference to initial comments from a planning officer suggesting the platform was “far too high” is not determinative, as such informal observations do not equate to a final planning decision. The appeal process provides an opportunity for a more thorough assessment based on all relevant considerations.

4. Market Impact and Future Saleability

Concerns regarding the potential impact on property values or marketability are not material planning considerations. The presence of similar developments in comparable urban settings demonstrates that well designed and appropriately screened structures do not inherently deter future buyers.

The appellant has acted in good faith to address concerns regarding privacy and amenity. The installation of a privacy screen represents a reasonable and proportionate mitigation measure. There is no evidence that the platform, results in an unacceptable impact on neighbouring properties.

Overall, the appellant invites the Inspector to consider the above matters in combination with those submitted in the appellant’s initial Appeal Statement and respectfully requests that the appeal is allowed.

Yours faithfully,

Lloyd Jones MRTPI

LRJ Planning