

Statement of Case for a proposed single home on land adjacent to 1 Park Avenue, Ramsbottom BL0 0DA

Appeal ref: TBC

Planning Application ref: 69884

Date of refusal: 03/11/2023

LPA: Bury Council

Reasons for the Refusal:

1 The proposed development by reason of its siting, design, scale, bulk and massing, would be a prominent and intrusive feature in the street scene that would fail to accord with the existing layout, design and the urban grain of residential development in this locality, to the detriment of visual amenity of the street scene and locality, contrary to Policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, and EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan, Section 12 the National Planning Policy Framework and the National Design Guide.

2 The proposed development by reason of its siting, design, bulk and massing, forward of the principal elevation of no. 76 Bury New Road, would subject the occupiers of no. 76 Bury New Road to overbearing, enclosing and oppressive effects, and a loss of privacy that would thus detract from their current living conditions, to the detriment of their amenity. The proposal is therefore contrary to Policy H2/1 - The Form of New Residential Development and Policy EN1/2 - Townscape and Built Design of the Unitary Development Plan, Section 12 of the National Planning Policy Framework and the National Design Guide.

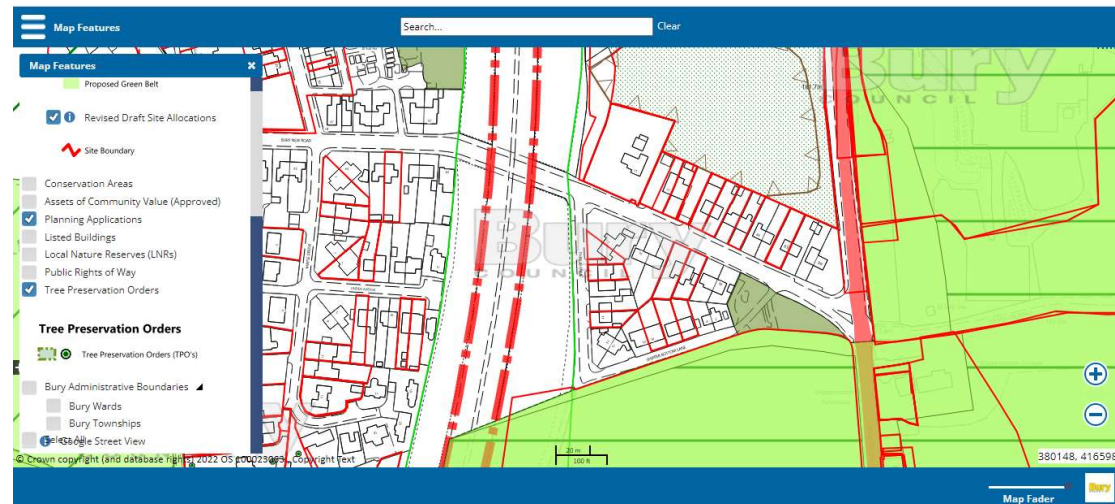
*Typo in original decision notice **

3 The application and submitted plans contain insufficient information to properly assess the physical impact of the proposed development on the adjacent adopted highway of Bury New Road due to the position of the new dwelling relative to the back of the footway contrary to Policies H2/2 - The Layout of New Residential Development, and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

4 The proposed car parking layout is inadequate with cars having to reverse on to the adopted highways and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with policies H2/2 – The Layout of

Residential Development, and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

Background - Policy Plan Extract



The site has no recorded planning applications since 1995 save our earlier application 69136 which was refused on similar grounds to the current proposal, and has no policy constraints in terms of designations, such as Green Belt, TPO's, landfill gas etc.



The plot is large and irregular in shape, and, due to the topography, a new dwelling may be capable of being fitted in between No. 1 and Bury New Road which is some 374 square metres in area.

While the site is 'flat' the land to the east, along Bury New Road, raises rapidly and there is a 6m height difference in levels between the rear of the of 1 Park View and 76 Bury New Road shown below.



Layout Constraints



- The original semi detached property had a large double pitched extension to the side and a large detached garage and the extension is shown on the photograph below.
- There is a retaining wall to Bury New Road.



Photo dated May 2022



Photo Dated 2011 showing large garage adjacent to Bury New Road.

Officer Report

The officer report has a number of areas where the application was incorrectly described and or assessed and these are itemised below:

Description –

The scheme uses the access that was used by 1 Park Avenue and is not a new access as acknowledged in the report.

In terms of the general description of the area given in the report it should be noted that there are both hipped and gables properties and it must also be remembered that it is permitted development to change a hipped roof to a gable roof.

The report also makes reference the new property being set forward, however, of the building line on Bury New Road, however, as can be seen from the photograph above, 76 Bury New Road was set back behind the building line of 80 Bury New Road.

The building line on Park Avenue was amended following the earlier refusal on the site to increase the rear garden and it could have been set further back, inline with the neighbouring property, as the proposed property now has a 10m garden.

It should be noted that Park Avenue is a relatively short road and the 'building line' is not a key element in the character of the area.

Whilst each application should be judged on their own merits, it is a material planning consideration as the previous planning decision and, as such, measures to mitigate previous perceived impacts are relevant.

Assessment –

Principal of Development.

The officer report accepts that the Council have a shortfall in terms of supply of housing and as such the tilted balance principal should be applied to consideration of this application and acknowledges it is in a sustainable location.

Conclusion –

It terms of the tilted balance applying the officer report tries to justify it not being a vitally material consideration as it was only one property.

This is a flawed assessment as it in single plots like this, normally considered to be 'windfall' sites that makes a material contribution to the supply, or lack of supply, of housing in the borough.

It recommends refusal on the basis of the proposals adverse impacts, but the requirement is to 'significantly and demonstrably outweigh the benefits' and this has not been done in the conclusion.

Reasons for the appeal:

Reason for refusal

1.

The proposed development by reason of its siting, design, scale, bulk and massing, would be a prominent and intrusive feature in the street scene that would fail to accord with the existing layout, design and the urban grain of residential development in this locality, to the detriment of visual amenity of the street scene and Locality.

Comment:

There is no explanation as to the 'significant' harm that the new dwelling will do to the street scene as required when assessing the scheme.

The immediate surrounding area has a number of house types and styles and layout of properties. Indeed, the immediately adjacent properties on Bury New Road differs in all principal design features from the 'spec built' semi detached properties on Bury New Road and Park Avenue.

No regard is taken to the topography of the surrounding area and, in particular, the height difference between the site and 76 Bury New Road when assessing the proposed property.

In addition, the urban grain of the surrounding development and, indeed that of substantial parts of Ramsbottom, varies from that of a 'planned' community and many corner sites, such as this, have been developed without a degree of 'significant' harm.

Below is an image of what a similar property of a similar scale and massing would look like when viewed travelling up Bury New Road towards the site.



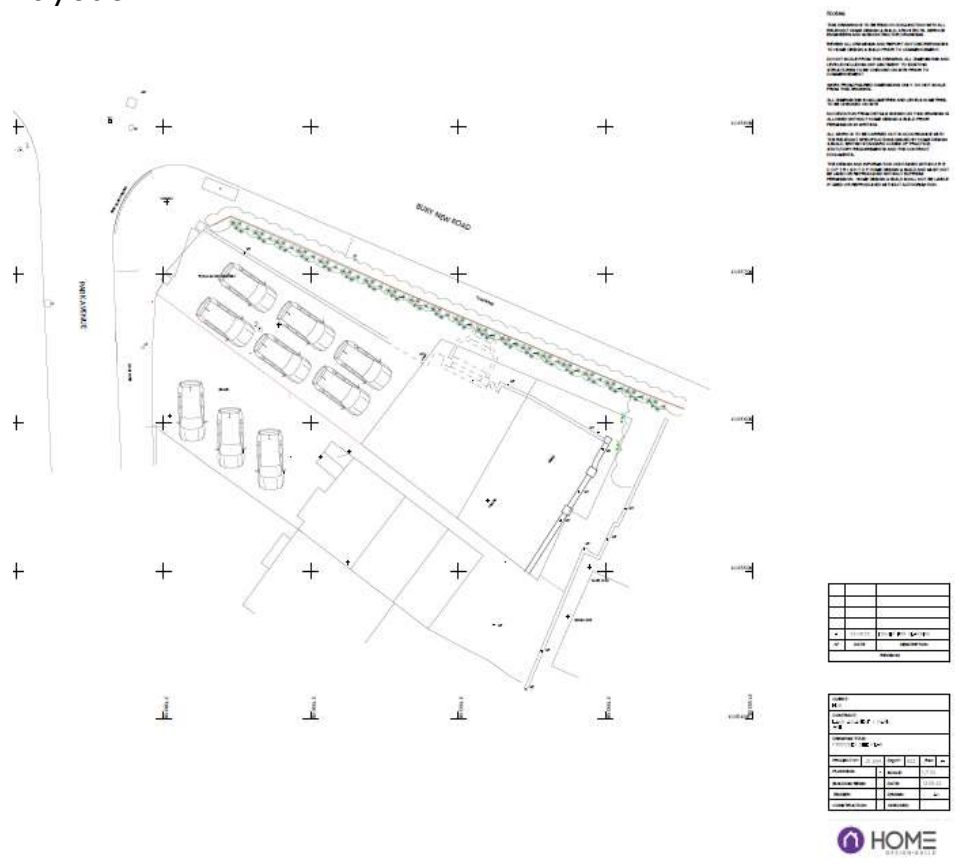
This demonstrates that there is little or no harm to the street scene and the property appears as an integral part of the urban grain.

The assessment of this matter, in the officers report makes no reference to what a 'fall back' position may be if the site was retained as part of the garden of No. 1 Park Avenue.

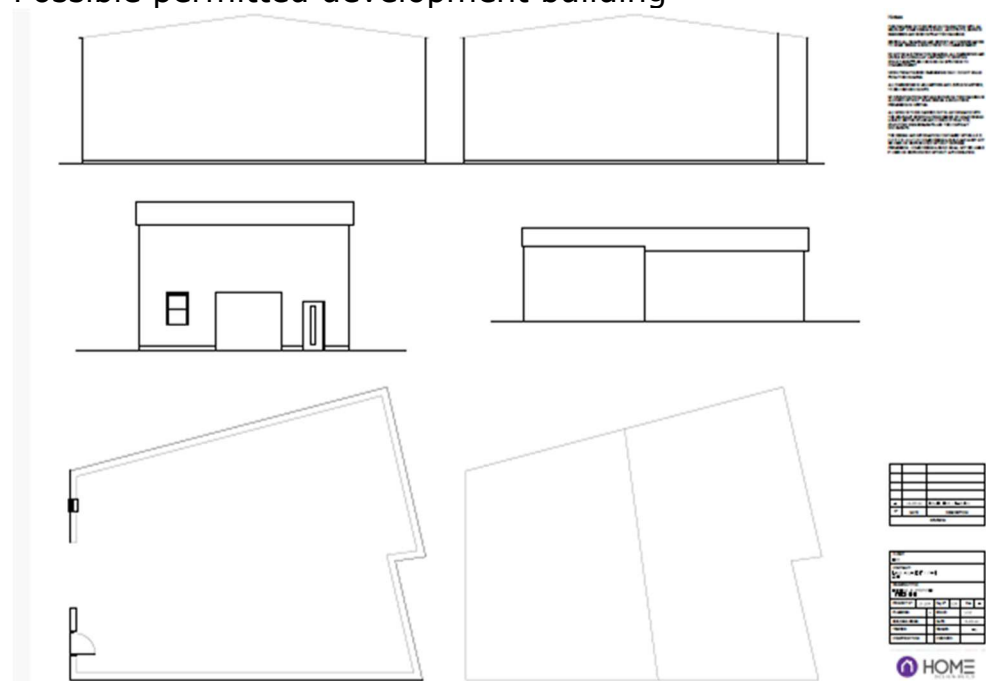
Given the substantial permitted development rights householders enjoy, a substantial building could be put on the site up to 4m in height and taking a substantial part of the site. Due to the topography of the site this would mean a 6m to 6.5m tall building could be developed if the permitted height limit is taken from the highest part of the embankment, to the Bury New Road frontage.

Below are images of what could be developed under permitted development.

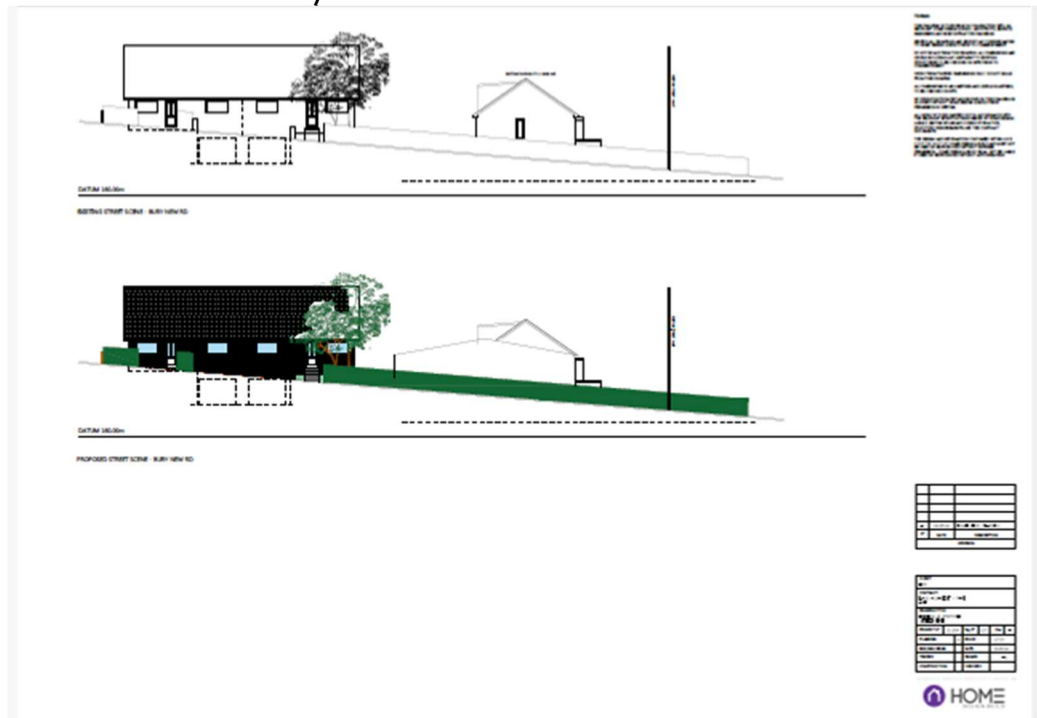
Layout



Possible permitted development building



Elevation form Bury New Road



Elevation from Park Avenue



Full drawings attached at Appendix 2.

As can be seen from these images, there would be a considerable impact on the street scene as there would be no need for the

permitted development building to relate to the appearance of the adjacent properties in terms of colour or fenestration, indeed, there could be no first floor constructed within the building if it were constructed under permitted development.

The design, scale bulk and massing of the new property, reflects that of the re-furbished semi detached properties adjacent on Park Avenue and, as such is not unusual or out of character with the various styles of property in the area and, as such, is not a 'substantial' adverse impact on the street scene.

Reason for refusal

2.

The proposed development by reason of its siting, design, bulk and massing, forward of the principal elevation of no. 76 Bury New Road, would subject the occupiers of no. 76 Bury New Road to overbearing, enclosing and oppressive effects, and a loss of privacy that would thus detract from their current living conditions, to the detriment of their amenity.

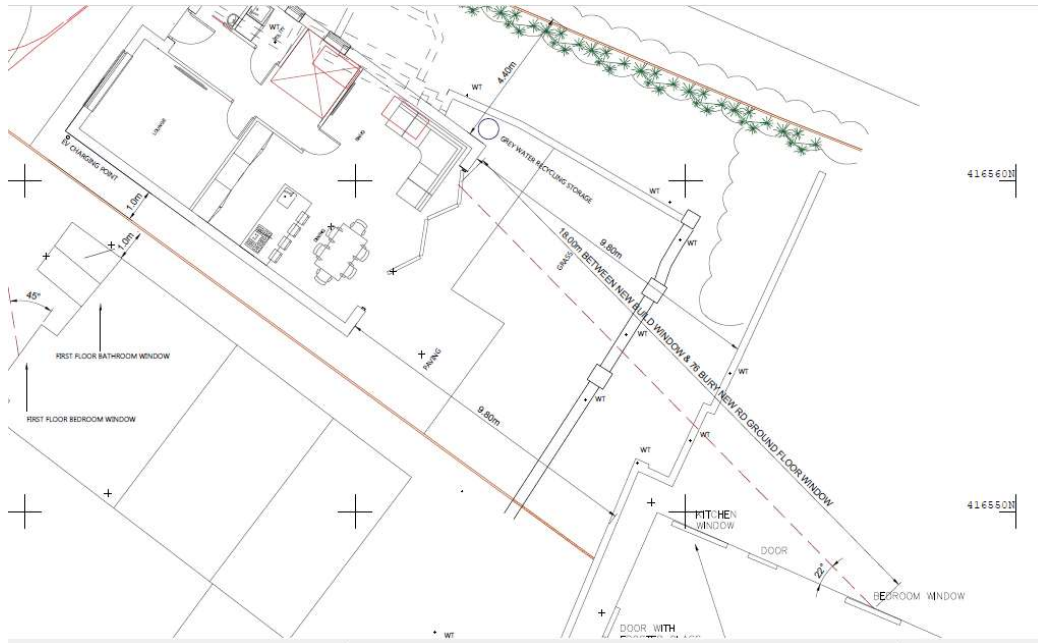
Comment:

Again, no detailed explanation is given as to the 'significant' harm.

In the officer report it states:

SPD 6 sets out aspect standards, requiring proposals to be set at least 7m from rear boundaries. The proposed dwelling would be within approximately 4.7m of the rear boundary of the site and within 5.7m of the neighbours habitable room windows

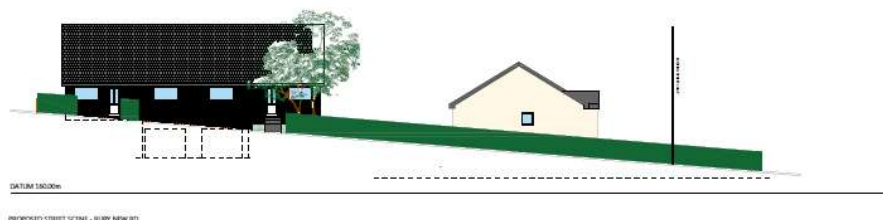
However, this assessment is incorrect and the new dwelling is 9.8m from the boundary wall. As such little weight should be given to this part of the Councils assessment of the acceptability of the scheme.



SPD 6 makes it clear that only the habitable room windows on the principal and rear extensions are used in assessing impacts and a full daylight/sunlight assessment was given with the application which demonstrated no material impact on those windows.

In terms of the impact causing an oppressive environment to the residents the 9.8m separation ensures that this would not be the case and there will be no intervisibility between the new property and the habitable room windows of 76, so there will be no loss of residential amenity.

In addition, the new property is set well below the level of the bungalow and well below the eaves height of the bungalow, thereby ensuring no sense of enclosure is created.





It should also be remembered that there is a large ornamental tree in the garden of 76 Bury New Road, on the boundary with the proposed site, and this impacts on the outlook of the property.

It should also be noted that the residents of 76 Bury New Road did not object to the scheme and did not consider they would suffer adverse impacts.

Reason for refusal

3.

The application and submitted plans contain insufficient information to properly assess the physical impact of the proposed development on the adjacent adopted highway of Bury New Road due to the position of the new dwelling relative to the back of the footway

Comment:

The submitted scheme included a section through the site and details of the proposed retaining structure for the highway designed by a suitable qualified engineer holding a BSc Civil Engineering and having 18 years experience of highways / bridges / drainage / structural / environmental design.

No requests for additional information has been received and no details have been provided as to what should be demonstrated.

As this is simply a matter of construction details it is considered that a condition could have been imposed, rather than it being a reason for refusal.

Reason for refusal

4.

The proposed car parking layout is inadequate with cars having to reverse on to the adopted highways and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety.

Comment:

It should be noted that the access is on Park Avenue, which is NOT a classified highway and the need for vehicles to enter and leave in forward gear is not as critical.

However, the site has ample space to allow a turning area to be accommodated within the site to allow vehicles to enter and leave the site in a forward gear and this, again could have been dealt with by way of a condition.

Indeed a plan was supplied during the 'life' of the application to demonstrate the ability do provide this space and an extract is shown below:



Conclusion:

When the reasons for refusal are analysed they basically fall into two key reasons.

1. The position of the house is against the grain of the development in the area and
2. The new house will impact adversely on the residential amenity of 76 Bury New Road.

The highways objections can be dealt with by condition and the appellant is happy to have two conditions imposed regarding the retaining of Bury New Road as it bounds the site and the layout of the parking and provision of a turning space within the curtilage of the new property (Suggested wording attached at Appendix 1)

1. Regarding the position of the house this is not so unusual as to be a 'substantial' detriment. Corner plots are regularly developed and while it changes the 'grain' of the development it is not unusual or so different as to be of detriment to the street scene.

Indeed, the site was previously occupied by a large side extension to 1 Park Avenue as well as a large detached garage, and while the new house is more impactful than these developments, it is not so 'impactful' as to be substantially detrimental to the street scene.

In addition, the site could be redeveloped with a 4m high 'shed', as permitted development for 1 Park Avenue, and this would have a similar impact on the urban grain as this development does.

The site is not in a Conservation Area or adjacent to any heritage asset that could be adversely impacted by the development.

2. The officer incorrectly stated the distances between the new property and 76 Bury New Road. They also misinterpreted the guidance in SPD 6 regarding aspect standards and as can be seen on the sections through the site along Bury New Road there will be no impact on the residential amenity of the neighbour, who did not object to the application.

It is contended that the council have failed to show that the harm created by developing this site, with a single family home, will outweigh the tilted balance which favours the development of the site where 'substantial' adverse impacts would not be created.

As such, the appellant respectfully requests that the Inspector upholds the Appeal and grants planning consent with conditions as appropriate.

Appendix 1

Conditions suggested if considered necessary.

1. Full calculations and specifications shall be submitted to and approved by the Local Planning Authority for the retaining structure along the frontage with Bury New Road, prior to the construction of said structure.
2. Prior to the occupation of the dwelling hereby approved, full details shall be submitted to and approved by the local planning authority of the turning area to be provided to allow vehicles to enter and leave the site in a forward gear, together with drainage details to prevent water runoff onto Park Avenue.

Appendix 2

Drawings demonstrating 'fall back' position

Appendix 3

Officer Report