

# Appeal Decision

Site visit made on 10 September 2024

**by A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 24 September 2024**

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**Appeal Ref: APP/T4210/W/24/3346341**

**Saw Mills off Spring Street, Ramsbottom, Bury BL0 9JQ**

- 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 Bernard Booth against the decision of Bury Metropolitan Borough Council.
  - The application Ref is 70229.
  - The development proposed is the demolition of the existing sawmill and associated out-building and the construction of 4no 3 bed terraced houses and 1no 3 bed detached house.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of development in the Council's decision notice and the appellant's planning application form differs. I have not been made aware that the appellant agreed to the change and therefore, I have used the original description of development in the banner heading above.
3. The Places for Everyone Joint Development Plan Document ("PfE")<sup>1</sup> was adopted in March 2024. Accordingly, the Council has advised that Policies JP-H1, JP-H3, JP-H4, JP-S2, JP-C2, JP-P1, JP-P2, JP-S4, JP-G7, JP-G8 and JP-C5 of the PfE are also applicable to the appeal. It is mandatory for me to take account of the most relevant and up to date information in reaching a decision, therefore I have dealt with the appeal on this basis. The appellant has had the opportunity to comment upon the PfE and has therefore not been prejudiced.

## Background and Main Issues

4. Planning permission<sup>2</sup> was granted in July 2023 for the construction of 5 dwellings at the appeal site. The appeal proposal seeks various changes to the approved scheme. From the evidence before me, the Council's sole concern is regarding the design of the proposed dwellings.

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<sup>1</sup> Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022-2039

<sup>2</sup> Planning Ref 68578

5. The Council's decision notice included one reason for refusal. However, following the adoption of the PfE, they have advised that the proposal would also conflict with PfE Policy JP-H3 regarding Nationally Described Space Standards<sup>3</sup> ("NDSS") and PfE Policy JP-H4 regarding the efficient use of land.
6. Consequently, the main issues are:
  - (a) the effect of the proposal on the character and appearance of the surrounding area, including the significance of the Ramsbottom Conservation Area ("the CA") and its setting;
  - (b) the effect of the proposal on the living conditions of future occupiers, with particular reference to internal space; and
  - (c) whether the proposal would achieve an efficient use of the appeal site.

## **Reasons**

### *Character and Appearance*

7. The appeal site comprises a former sawmill which, at the time of my site visit, consisted of two detached buildings either side of an access with a yard to the rear. The appeal site is surrounded by dwellings and is located to the rear of two terraces of predominantly two-storey dwellings that front onto Spring Street and Bolton Street.
8. It is proposed to demolish the existing commercial buildings and construct a detached three-storey dwelling and a terrace of four three-storey dwellings. The third storey of the dwellings would be in the roof space.
9. The northeastern corner of the appeal site is within the CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The remainder of the appeal site is adjacent to the CA.
10. The CA encompasses Ramsbottom town centre and its surrounding streets and open spaces. The part of the CA closest to the appeal site primarily consists of rows of two-storey stone and slate built terraced dwellings abutting the pavements' back edge. The roads between the terraces are narrow, creating an enclosed sense of place. Consequently, the significance of the CA is its historic and aesthetic values.
11. The appeal site buildings, at the time of my visit, were in a dilapidated state with evidence of fire damage to part of the larger stone building. Therefore, the demolition of these buildings would not harm the character, appearance or significance of the CA or its setting.
12. Both house types would have a shallow pitched roof with a large gap between the headers of the first floor windows and the eaves. This would result in a 'top heavy' design that unbalances the character and appearance of each house type. The eaves of the dwellings in the surrounding area either abut the first floor header or are separated from the header by a course of stone. Consequently, the proposed dwellings would not reflect the

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<sup>3</sup> Technical housing standards – nationally described space standard, published 27 March 2015

characteristics of the existing dwellings in this part of the CA and would appear incongruous with the surrounding area.

13. The Council's Conservation Officer considered the proposal would have a neutral effect on the character and appearance of the CA. However, for the reasons outlined above, I consider the proposal would cause less than substantial harm to the significance and setting of the CA.
14. In accordance with paragraph 208 of the National Planning Policy Framework ("the Framework"), I must weigh the harm against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The proposal would support the Government's objective of significantly boosting the supply of homes. However, the proposal is for five dwellings and therefore, they would make a limited contribution. The proposal would generate some employment during the construction phase. However, this would be for a temporary period and therefore limited.
15. Against these public benefits is the harm I have found to the significance of the CA and its setting which, in compliance with paragraph 205 of the Framework, I must attach great weight. Furthermore, planning permission is extant for a housing development of a similar size on the appeal site. Therefore, I am not convinced that a less harmful form of development could not be undertaken with the same public benefits. Consequently, I do not find that the public benefits would outweigh the less than substantial harm I have identified.
16. In reference to the first main issue, the proposed dwellings would harm the character and appearance of the surrounding area, including the significance of the CA and its setting. It would conflict with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan, adopted 1997 which, amongst other things, seek to ensure that all new residential development makes a positive contribution to the form and quality of the surrounding area including its character. It would also conflict with Chapter 12 of the Framework that seeks to achieve well-designed and beautiful places.

#### *Living Conditions*

17. The Council assert that both House Type A and B would fail to meet the NDSS' minimum gross internal area ("GIA"), and Bedroom 2 of House Type A and Bedroom 3 of House Type B would fail to meet the minimum GIA for a one bedspace bedroom. The appellant has not disputed the Council's figures. I have nothing before me to come to a different view, accordingly, both house types would not comply with the NDSS.
18. In reference to the second main issue, the proposal would harm the living conditions of future occupiers, with particular reference to the internal space of new dwellings. It would conflict with Policy JP-H3 of the PfE which, amongst other things, states that all new dwellings must comply with the nationally described space standards.

#### *Efficient Use of Land*

19. PfE Policy JP-H4 sets out the minimum net residential density appropriate to a particular location, reflecting the relative accessibility of a site by walking, cycling and public transport. The Council assert that the location of the

appeal site would require a minimum density of 70 dwellings per hectare, while the proposal would equate to 50 dwellings per hectare. This has not been disputed by the appellant. Policy JP-H4 allows lower densities where they can clearly be justified. However, I do not have any substantive evidence before me to suggest that a higher density of housing in compliance with the policy cannot be achieved.

20. In reference to the third main issue, the proposal would not achieve an efficient use of the appeal site. It would be contrary to Policy JP-H4 of the PfE, the content of which I have already detailed.

### **Other Matters**

21. The appellant asserts that the proposed amendments are required for the dwellings to comply with Part L of Building Regulations regarding an increased standard of thermal insulation. However, the appellant's Statement of Case states, *"amendments to the revised scheme could have been applied in the detailed elevational design to reduce the apparent 'top heavy' appearance"*. Consequently, I am not convinced that an alternative design that is compliant with Part L could not be devised without the harm I have identified.
22. I acknowledge that the dormer windows of the previously approved planning application for the appeal site are not a feature of the surrounding CA. However, their omission has resulted in a substandard design.
23. I note the appellant's comments regarding the Council's handling of the planning application. However, this has not prevented me from forming a view on the appeal.

### **Planning Balance**

24. Since the planning application was determined, the Council can now demonstrate a five year supply of deliverable housing sites. However, they concede that they have failed to comply with the Government's Housing Delivery Test. Therefore, paragraph 11(d) of the Framework is applicable which states, planning permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
25. The appeal site is partially located in the CA (a protected area defined by Footnote 7 of paragraph 11(d)(i)). I have already found that the proposal would cause less than substantial harm to the CA and the setting of the CA which would not be outweighed by its public benefits. Consequently, this provides a clear reason for refusing the development proposed.

### **Conclusion**

26. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

*A Berry*

INSPECTOR