

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Neil Butterworth
89 Higher Ainsworth Road
Radcliffe
Manchester
M26 4JJ

On Behalf Of:

Mr David Heyes
Farm Cottage
Watling Street
Affetside
Bury
BL8 3QW

PART 1 - Particulars of Application

Application Number: 69428

Date of Registration: 31/03/2023

Proposal:

Erection of 1 no. dwelling in side garden

Location:

9 Elland Close, Bury, BL9 8LG

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 proposed dwelling would result in an incongruous and cramped development to the detriment of the street scene and locality due to its siting, scale and massing, which would cause visual harm to visual amenity and the established character and layout of the locality. The proposal therefore fails to accord with policies H2/1 - The Form of New Residential Development and Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan, and the National Planning Policy Framework.
- 2 The proposed development would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of neighbouring dwellings. by reason of the sub-standard distances between habitable windows on the proposed dwelling and existing habitable room windows on the side of no. 7 Elland Close and the rear garden areas and private amenity space of dwellings on Parr Lane. The proposed development therefore conflicts with Unitary Development Plan Policy H2/1 - The Form of New Residential Development, Policy H2/2 - The Layout of New Residential Development and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 3 The proposal would provide insufficient parking provision, turning and servicing facilities for both the existing dwelling, no. 9 Elland Close, and the proposed dwelling to the detriment of the free flow of traffic and road safety and fails to achieve a

satisfactory standard of design, contrary to Policy H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development, HT2/6 - Replacement Car Parking and the National Planning Policy Framework and National Design Guide.

- 4 The proposal would result in the loss of useable off-street car parking provision for the existing dwelling, leading to vehicles parking and carrying out manoeuvres on the public highway to the detriment of road safety and the free flow of traffic, contrary to Policy H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development, HT2/6 - Replacement Car Parking, the National Planning Policy Framework and National Design Guide.
- 5 Insufficient information relating to the proposals impact on the Public Sewer and the necessary standoff distances to ensure the public sewer could be accessed for maintenance and renewal purposes has been submitted, to ensure this proposal would not be detrimental to public safety and amenity, contrary to the requirements of the National Planning Policy Framework.
- 6 Insufficient information has been submitted to illustrate that the development would mitigate the loss to biodiversity caused by the removal of trees and that the proposal would lead to net-gains to biodiversity, contrary to the requirements of the National Planning Policy Framework.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. 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:

H1/2	H1/2 - Further Housing Development
H2/1	H2/1 - The Form of New Residential Development
H2/2	H2/2 - The Layout of New Residential Development
H2/6	H2/6 - Garden and Backland Development
EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
H2/4	H2/4 - Conversions
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
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:

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'J. H. H.', is written over a dotted line.

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On behalf of the Council

Date of Decision: 26/05/2023