

Response to Councils comments regarding a Section 73 Appeal for a proposed single home on land adjacent to 1 Park Avenue, Ramsbottom BL0 0DA

Appeal ref: APP/T4210/W/23/3333657

Planning Application ref: 69884

Date of refusal: 03/11/2023

LPA: Bury Council

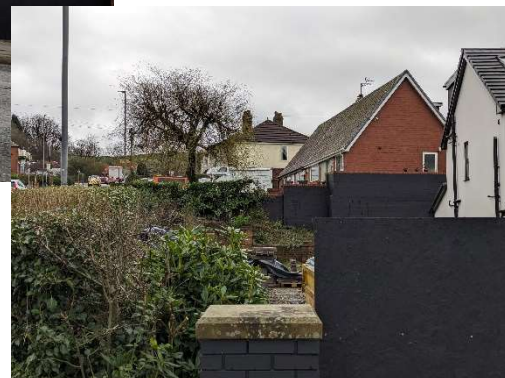
Summary of further comments:

This statement relates solely to the comments of the Council and gives clarification on the grounds of Appeal. It adds no further material planning issues.

Comments on Bury Councils statement of Case:

Impact on the urban grain and visual amenity:

- As can be seen from the Councils plan, PROW 103 RAM does not 'extend along' the boundary of the site.
- The view from 103RAM is an oblique one and the site is overshadowed by the gable of No. 76 Bury New Road and the brick retaining wall.
- As such, it is contended that the new property would have no greater impact on the street scene and would effectively screen the intrusive and alien retaining wall.



In addition new aerial photographs are attached at Appendix 8 showing the site in more detail together with an overlay of the proposed property.

Lack of consideration of the fallback position:

- The Councils were fully aware of the ownership of the site in question and as can be seen from the copy correspondence attached at Appendix 1, the 'red edge' had been agreed with them to simplify the application.
- As such the Council should have considered the 'fallback' position if consent were not granted for the new property.

Distance between proposed dwelling and shared boundary with 76 Burt New Road:

- The submitted drawings included a scale bar as insisted on by the Council. In addition, the Council have full access to advanced measuring tools within their document management system. Numerous contacts were made with the council asking if they needed any clarification of the details of the scheme and offers of accompanied site visits, but no positive response was received by the Appellant.
- Attached are copies of submitted drawings annotated with the relevant distances and aspect standards, namely;
 - o Appendix 3 – this demonstrates the 9.8m distance between the real wall of the proposed property and the retaining wall of 76 Bury New Road and the 45 degree rule.
 - o Appendix 4 – Elevation showing the 25 degree upward angle from the habitable room windows.
 - o Appendix 5 – Block plan with distances annotated to boundary's of the new property from the proposed house.
- It is noted that the Council have requested that the Inspector visits 76 Bury New Road and the Appellant has no objections to this taking place.

Insufficient information regarding the impact on Bury New Road:

- Details were supplied with the application, prepared by a qualified engineer, demonstrating that the highway would not be adversely impacted by the development.
- A copy of the detail submitted is attached at Appendix 6 and a letter from the engineer is attached at Appendix 7. The information in appendix 7 was available to the Council if they had positively engaged with the applicant, as they were requested to do so on

numerous occasions as can be seen in the copy correspondence sent by the Council and attached at Appendix 2.

Parking provision:

- It should be noted that while Park Avenue is an adopted highway, it is not a classified road.
- As such an amendment or a new access can be developed without the need for planning permission as it is allowed under The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended Class B.
- The proposed access for this new property is the former access for 1 Park Avenue, which created a new access further along Park Avenue.
- The layout of parking was contained on the plan attached as Appendix 3 as sent to the Council as confirmed in correspondence attached at Appendix 2.
- Given the fact that Park Avenue is not a classified road it is considered that allowing a vehicle to reverse onto it from the new property would not be of detriment to highway safety.
- In addition, it should be noted that the councils parking standards allow for the reduction in parking spaces in high access areas, SPD 11, within which this site is located. Paragraph 4.4 states: This SPD sets out maximum standards for car parking in residential development.
- The table contained within the SPD says: Lower parking thresholds will be applied to areas of high accessibility (see Appendix 1). These residential standards exclude garages.
- As such the provision of 3 parking spaces for this property is in accord with the Councils published guidance.

Tilted Balance:

- The argument that 'only 1 property' would make no difference to the housing supply is fundamental wrong. Every year a substantial number of 'windfall' properties may a material contribution to the supply of housing and, as such, the balance should apply.

Recommended Conditions by the Council:

1. Plans – plan ref: 21.004-03A showing the car parking layout needs adding.
2. Highway Integrity – The works to ensure the integrity of the highway are limited and wholly within the land subject to the application, as such it is considered that the detail required is

excessive as details have already been provided and could simply be conditioned for implementation.

3. Materials – These are detailed in the application and are similar to that of 1 and 3 Park Avenue. As such the need for this condition must be questioned.

Conclusion

Should the inspector require any further information of clarification, please do not hesitate to contact the Appellant.

Attached:

- Appendix 1 – Copy emails regarding ownership of the land
- Appendix 2 – Copy emails regarding submission of car parking layout
- Appendix 3 – Layout with dimensions to neighbour
- Appendix 4 – Elevation on BNR showing 25 degree rule
- Appendix 5 – Block plans with and without proposed house
- Appendix 6 – Engineering detail supplied to Council for retaining BNR
- Appendix 7 – Letter from Engineer regarding retention of BNR
- Appendix 8 – Additional Aerial Photographs