



Appeal Statement

to

Refusal of Planning Application Ref: **23/70236**

Local Authority: **Bury Council**

Appellant: **Mr Lee Hopley**

Proposed First Floor Extension to Front Elevation

at

Site: 21 Philips Drive, Whitefield, Manchester, M45 7PY.

Date of Issue: 26.02.2024

Prepared by: Mr D Hobson. c/o Designby Ltd



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1. Introduction

- 1.1. Mr D Hobson c/o Designby Ltd have been instructed to prepare and submit this appeal statement by Mr Lee Hopley acting on his behalf to to appeal against the planning refusal notice, application reference: **23/70236**
- 1.2. The Application was “refused” determination was made on the 10th January 2024..
- 1.3. The statement has been made on behalf of Mr L Hopley in support of Bury Council’s Planning authorities Refusal .
- 1.4. This statement primarily focuses on the observations and comments contained in both the authorities Decision letter and Delegated Report prepared by Mo Warsame on the 10th January 2024.



2. The Site

- 2.1. The appeal site is a 3 bedroomed end terrace house (3 of 3) situated on on raised section of Philip's Drive. The block of three terraced houses built circa 1970's positioned amongst 3 storey high houses preceding the terrace and large Victorian Semi detached properties sited on the Northerly boundary. The property being an end terrace has generous gardens to side and front elevations.
- 2.2. Philips Drive has a diverse array of of property styles, consisting of bungalows, semis and detached Victorian houses and significant 3 story estate style town house's (built circa 1970/80's) at the same time and style of No 21.
- 2.3. By nature of its raised position and at the end of the forth most terrace, No 21 is discreet in its disposition on Philips Drive. In the Planning officers delegated report, it is noted there is no site visit date, it must therefore be assumed the area assessment of Philips Drive has been carried out using mapping applications such as google maps.
- 2.4. **Appendix A:** Shows image extracts from indicating the varying built styles of residential properties and general street scenes for reference.
- 2.5. **Appendix B:** Shows image front double extensions approved and built in the surrounding areas & Philips Drive



3. The Proposal

- 3.1. The proposal is for a small 1st floor extension built off the existing single storey front entrance porch. The proposed extension is a lightweight timber frame structure , 1.85m deep x 2.11m wide. There is a window the the front and plain gables to each side. The structure's roof is a simple flat roof detail aligned with the existing buildings fascia , keeping the roofline as low as possible
- 3.2. The purpose of the extension is simply to create some much needed additional floor space to the smallest bedroom, as a reaction to being refused twice on a permitted development scheme to extend upwards via the prior approval submission to develop the properties floor space to facilitate the growing family. albeit, both schemes conformed to the set criteria. The design is minimal in it footprint and volume and functional in use. The rendered surface is purposeful in that it blends with against the large rendered gable wall of the large Semi detached residence at No 1b Park Terrace to which it relates on in context looking towards the Terrace from the main road (Philips Drive), which is the only aspect one can view the terrace in contact to the street scheme. **See Appendix A**
- 3.3. “Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, *and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area*”. *No contact by planning officer with respect to proactive decision making and value design decisions during the planning process, leaving retrospective re-submissions or appeal applications as the only option.* Decision-makers at every level should seek to approve applications for sustainable development where possible “



Refusal:

3.4. The Application was refused under delegated powers on the 10th January 2024 for the following reasons:-

3.5. **Comments:**

3.5.1. The main concern relates to the detrimental impact the proposal would have on the character of the dwelling and the street scene.

3.5.1.1. Response: *In real world context due to level change and No 21 being the furthest end terrace there is no visual context to the street scheme.*

3.5.2. There is also a believe that; If approved, it would set a precedent for the future.

3.5.2.1. Response: *There are many approved and built front extensions larger with a greater context implication to the street scene - please refer to **appendix B***

3.5.3. “Additionally, the development would have some residential amenity concerns too such as loss of light and reduction/obstruction of existing views. “

3.5.3.1. Response: *The above comment is confusing in that the officer appears to be contradicting the residential amenity concerns in that in the visual amenity section - under policies SP6 & UDP H2/3 it does not comply specially to visual amenity , whilst under the Residential amenities it clearly states the first floor does not have any detrimental effects and confirms the proposal complies with policies SP6 & UDP H2/3.*



3.5.4. The cited policies/guidance for refusal were : SP6 & UDP H2/3. Visual

Amenity: The officer as generalised the criticism with no specifics.

Refers to the proposed extension as being inclusive to the “general presumption against large extensions to front elevations”, *“it is considered the proposed first floor flat roofed extension would create a large and dominant addition to the front elevation”* .

3.5.4.1. Response: *The proposed extension is small and in context to the full terrace, is barely visible from the road, the front elevation cannot be physically seen from any aspect (other than point of access from the small foot path.). It is clear the desktop study has not been sufficient in allowing the asking officer understand the the actual context of this proposal.*

3.5.5. In Conclusion: On visiting the site and reviewing the site contextually it is clear the sizing proportion and the general disposition of No 21 on Philips Drive the small 1st floor extension onto the existing ground floor porch - does not create a “large and dominant addition to the front elevation”. The physical extension does not impact on right to light 45% principles and does not have any significant impact on the main street scene, especially in context to the allowed development to No 12. There is clear evidence from approved and built double height front elevation infill extensions (appendix B), the approval if granted would not set a precedent

Refer to Appendix B for built examples of built front extensions



4. Policy

4.1. Visual Amenity

SPD 6 and UDP H2/3

4.2. Residential Amenity

SPD 6 and UDP H2/3

5. Appellant Comments:

5.1. After being advised by a representative from bury council whilst visiting my property prior to works that the porch build could go ahead as it's a grey area. This was at the stage when only the scaffold was erected and prior to any works taking place. He advised that as it's an existing porch and the proposed build is 3sqm it doesn't require planning providing the roof is below the gutter line of the existing roof and no changes to the roof were being made. I'd already done some research and I subsequently contacted the planning department regarding planning on this matter and received an email stating planning was not required (email attached) . Once the build was erected and several more complaints , I liaised with the planning department once again and we decided to submit "retrospective planning" for the build.

I have followed the planning and building guidance from bury council throughout all building works to my property.

To my amazement I received a letter/email from the enforcement team advising that the planning had been refused on the above one reason.

"The proposed development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area."

Let me first state that my house is not visible from the street and accessed via steps upto and from Phillips Drive. Pictures and diagrams below clearly state this.

fig 1 - Extract Google Street Scene

Orange - Indicates my house from google street view. As you can



clearly see my house does not implicate the street view.



Red - Steps upto my house from Phillips drive.

As you will see in the background and next to my house the very big house in white which is clearly visible and prominent.

This is a relatively new build and was built 10-15 years ago.

Here are the different kinds of houses (**Appendix A**) on Phillips Drive. Some bungalows, townhouses and detached. As you will see in the



pictures the street scene is diverse and again my house No21 is not visible

As you can clearly see my house is not visible in the street view and size, position or design could never be intrusive. So again I reject this 1 reason for refusal of planning.

I would also like to add 2 properties on Phillips drive that recently, within the last year were granted planning permission and as you will see in the pictures below directly conflict the refusal of my planning permission.

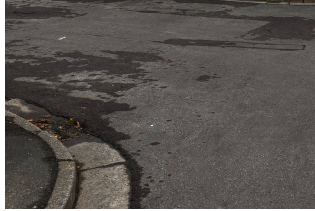
Image Refs: A.01 before & A.02 after



Planning permission granted by bury council 2022/23. Work carried out on a 3 storey side extension that now blocks a view to Park Lane from the street view and the house looks completely different in size, position and design to others next to and on the street. Planning permission was granted on this property by bury council so this totally conflicts the refusal of planning permission refusal on my property.



Appendix A :- Local Street Scene Images



Appendix B :- Examples of Contrasting Styles not confirming to existing style in open street scene - Approval - Bury Council



Contemporary Extensions to Front Elevation
Out of context to Street Scene



Contemporary Extensions and finishes to Front
Elevation



Double height front (infill extension squaring off -
flat roof).

328a Stand Lane Radcliffe