



Appeal Statement

Detached garage
AT
51 Prestwich Park Road South,
Prestwich, Manchester M25 9LF

Reference:
51PPRS-2247

Date:
30 August 2023

1. Introduction

- a. This Appeal Statement has been prepared by Just Planning on behalf of Mr Daniel Cainer to support an appeal against the decision of Bury Council to refuse planning permission for the erection of a new detached garage to the side of 51 Prestwich Park Road South, in Prestwich.
- b. Following a description of the site and surrounding area, this report will consider the planning history, provide an overview of relevant planning policy and outline the case for the appellant.
- c. It will be demonstrated that the proposal complies with relevant local and national policies and that planning permission should therefore be granted.

2. Background

- a. On 19 May 2023, the appellant submitted an application to Bury Council for the following development proposal (reference: 69670):

Erection of detached double garage.

- b. On 10 July 2023, the council refused planning permission for the following reasons:

1. *The proposed development by virtue of its size, siting and design would have a seriously adverse impact on, and neither preserve or enhance the traditional character or appearance of the Conservation Area of which the site forms part. The proposal therefore conflict with the following UDP policies EN1/1 Visual Amenity, EN1/2 Townscape and Built Design, EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control, H2/3 Alterations and Extensions, St Marys Conservation Area Appraisal and Management Plan and Section 16 of the National Planning Policy Framework.*
2. *The proposal would adversely affect the character, appearance and historic interest of this non-designated heritage asset and its wider setting by introducing a prominent and incongruous feature within the plot and causing significant harm to its significance and diminishing its contribution to the character and appearance of the conservation area. The proposal therefore conflict with the following UDP policies EN1/1 Visual Amenity, EN1/2 Townscape and Built Design, EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control, EN2/3 Listed Buildings, H2/3 Alterations and Extensions, St Marys Conservation Area Appraisal and Management Plan and Section 16 of the National Planning Policy Framework.*

3. Site Description

- a. The appeal property is a large, two-storey, semi-detached house located on the western side of Prestwich Park Road South, on its junction with St Ann's Road.
- b. The house is constructed in red brick with a slate roof. It has a forward projection with ground floor bay window. The front entrance door is in a shallow side projection. The exterior is richly detailed, with a stone plinth and banding, original sash windows and dentil detailing around the bay, as shown in the image in figure 1, below.



Figure 1: Image of the appeal site, viewed from the front.

- c. The property has been extended to the rear at ground floor level. It has front side and rear gardens and off-street parking for several cars, accessed via a crossover from Prestwich Park Road South.
- d. The adjoining neighbour to the south, number 49, is a mirror image of the appeal property. Further along is another pair of matching red-brick houses. The other houses in the immediate area are a mix of sizes and styles, contributing to a diverse streetscene.
- e. The house on the appeal site is not listed but the site is located within the designated St Mary's Conservation Area.

4. Relevant Planning History & Appeal Proposal

- a. In March 2018, permission was granted for the demolition of the existing rear outriggers and their replacement with a new basement, ground floor and first floor extension (reference: 62390). The development also included the relocation of the driveway and pedestrian access and some other minor alterations.
- b. On 14 November 2022, the council refused an earlier application for a new garage to the side with the reinstatement of an earlier access off St Ann's Road (reference: 68488).
- c. The current proposal seeks to respond to the council's concerns by retaining the existing access from Prestwich Park Road South and proposing a new detached garage in the side garden next to, and aligning with, the existing house.
- d. The garage is to be constructed in red brick to match the existing house. It will have a natural slate roof, with a hipped roof design to match the existing house. It will have timber doors beneath a stone lintel.

5. Planning Policy

- a. Planning law states that decisions on planning applications must be taken in accordance with the statutory development plan unless material considerations indicate otherwise. In this case the relevant part of the development plan are the saved policies of the Bury Unitary Development Plan (UDP), adopted in 1997.
- b. According to the reasons for refusal on the decision notice, the proposal does not comply with saved policies EN1/1, EN1/2, EN2/1, EN2/2, EN2/3, H2/3 of the UDP, the St Mary's Conservation Area Appraisal and Management Plan and Chapter 16 of the National Planning Policy Framework (NPPF, 2021).
- c. Saved policy EN1 seeks *"to protect, preserve and enhance the character, appearance and amenity of the Borough's built environment"*.
- d. Policy EN1/1 (Visual Amenity) relates to views of important buildings and areas of environmental interest and does not appear to be relevant to the appeal proposal.
- e. Policy EN1/2 (Townscape and Built Design) seeks to protect *"the particular character and townscape of the Borough's towns, villages and other settlements"*. It requires that development is appropriate in terms of its external appearance, its relationship to the surrounding area, the choice and use of materials, access, landscaping and lighting.
- f. Policy EN2/1 (Character of Conservation Areas) seeks to protect the character and appearance of the borough's conservation areas. It recommends that developments retain or restore features of historical or architectural interest, retain and enhance landscape features and bring unused buildings back into use.
- g. According to EN2/2 (Conservation Area Control):

Development within a Conservation Area will only be acceptable if it preserves or enhances the special character or appearance of the area.

In considering proposals for development in Conservation Areas, regard will be had to the following criteria:

- *the nature of the development in terms of its bulk, height, materials, colour, design and detailing;*

- *the relationship between the proposed development and the architectural and visual qualities of the surrounding area;*
 - *where demolition is proposed, the contribution of any proposed new building to the character or appearance of the area as compared to the building to be demolished;*
 - *in the case of the re-use of buildings or the introduction of new uses, the impact of the proposal on the character or appearance of the area and the fabric of the existing building.*
- h. Policy EN2/3 relates to listed buildings. Since the appeal property is not listed, this policy is not relevant.
- i. According to policy H2/3 (Extensions and Alterations):
- Applications for house extensions and alterations will be considered with regard to the following factors:
- *the size, shape, design and external appearance of the proposal;*
 - *the character of the property in question and the surrounding area;*
 - *the amenity of adjacent properties;*
 - *visibility for pedestrians, cyclists and drivers of motor vehicles.*
- j. According to the St Mary's Conservation Area Appraisal & Management Plan, the conservation area was designated in 1993 and is centred on the large St Mary's Park, situated to the north of the appeal site. Prestwich was a small hamlet of cottages until 1850s when the residential development of the Prestwich Park Estate began. The large, attractive Victorian houses on Prestwich Park Road South and St Ann's Road were built in the second half of the nineteenth century and the appeal property dates from the end of the nineteenth century.
- k. The area has a varied character. The part of the conservation area to the south of the park is a residential suburb with houses dating from 1850 onwards and including some twentieth-century development. Its special character derives from the quality of the large period buildings, as well as

the mature street and garden landscape around them. Some of this character has been eroded by later residential development.

- l. Numbers 45 to 51 Prestwich Park Road South, including the appeal site, are identified as making a positive contribution to the conservation area and are described as follows:

Large and well preserved late Georgian c1850/60 semi-detached imposing villas, with strong bays and corbelled eaves. Window openings in recessed brick panels, frames in sash, dummy sash and modern interpretations.

- m. The Management Plan sets out policies to protect the special character of the conservation area. It recommends against the 'over-development of land and garden areas' (policy 2) and the construction of oversized extensions and the loss of original features (policy 3). It requires that development "*respond to the surrounding development in terms of scale, height, massing, detail and materials*" (policy 5).
- n. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how they should be applied. It identifies a presumption in favour of sustainable development. Development is sustainable when it meets the economic, social and environmental needs of a community.
- o. Paragraph 11(c) requires that decision-makers approve "*development proposals that accord with an up-to-date development plan without delay*". Where policies are absent or out of date, permission should be granted unless:

"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

- p. According to paragraph 38:

"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. Decision-makers at every level should seek to approve applications for sustainable development where possible."

- q. Paragraph 126 states that:

"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

- r. Chapter 16 relates to the conservation and enhancement of the historic environment, including listed buildings and conservation areas. Paragraph 186 describes heritage assets as an 'irreplaceable resource' and says that they should:

"be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."

- s. Paragraph 194 requires that applicants describe the significance of any heritage assets affected by a planning application, in a level of detail proportionate to the assets' importance.

- t. Paragraph 197 says that, in assessing planning applications affecting heritage assets, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

- u. Paragraph 199 states that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

- v. Paragraph 200 states that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"*.

- w. Paragraph 202 says that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

6. Case for the Appellant

- a. The council does not object in principle to the appeal proposal and does not raise any concerns about the specific detailed design of the garage in and of itself. It does not expect any harm to neighbours' living conditions and there is no objection to the proposal on highways grounds. It is concerned that the development would harm the special character and appearance of the main building and the surrounding conservation area.
- b. The NPPF states that great weight must be given to the conservation and preservation of heritage assets. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires that special attention be given to the desirability of preserving or enhancing the character or appearance of a conservation area.
- c. Saved policy EN1/2 seeks to preserve the character of the borough's townscape and requires that developments are appropriate in terms of their size and scale and choice of materials. EN2/1 seeks to preserve or enhance the borough's conservation areas. Policy EN2/2 states that assessments will be made of a development's "*bulk, height, materials, colour, design and detailing*" as well as the nature of its relationship with the host building and surrounding area.
- d. In this case, unlike the 2018 approval for rear extensions to the house, the proposal makes no alterations to the main building. The garage is sited next to, and in line with, the main house. It is a simple, domestic outbuilding of a conventional design and appearance. It is modest in terms of its overall dimensions, and it is a clearly subservient addition to the site compared to the imposing house next door. It is to be constructed in red brick to match the existing house, and to have a sympathetic, shallow hipped roof form.
- e. Houses of this size typically have outbuildings within their grounds. When first built, this house would have had a variety of outhouses, including a coach house and stables. Though a car garage is a more modern use, the presence of single-storey structures in the grounds of the house is appropriate and will not appear incongruous or out of place.
- f. The appellant notes that the outbuilding is set at the same level as the hardstanding to the front of the building and down below the level of the lawn behind. It will be largely screened from view from the street by the retained hedging along St Ann's Road, as shown in the image in figure 2, below.



Figure 2: Hedging largely conceals the garage from view from St Ann's Road.

- g. In views from Prestwich Park Road South, it will not be an especially prominent presence and will serve to close off views of a modern development of houses to the rear, as shown in figure 3, below. It does not breach the return building line established by these neighbouring houses.



Figure 3: View from Prestwich Park Road South.

- h. Garages are an established feature of the conservation area. The neighbouring houses at numbers 45 and 49 both have garages visible from the street. The garage at number 45 is shown in figure 4, on the next page, and the garage at number 49 is shown in figure 5.



Figure 4: Garage at number 45.



Figure 5: Garage at number 49.

- i. In December 2012, the council approved the construction of a new detached garage at number 47 Prestwich Park Road South (reference: 55669). Though the permission was not implemented, the approval demonstrates that garages are a feature of the area that the council is prepared to support. If it had been built, 3 of the 4 houses on the row would have garages.

- j. There is a garage visible next to a house known as Dingle Bank, around the corner from the appeal site on St Ann's Road, and shown in the photograph in figure 6, below.



Figure 6: Garage at Dingle Bank.

- k. In November 2017, the council approved the construction of a three-storey side extension to number 42 Prestwich Park Road South, incorporating a ground floor garage (reference: 62048). The completed development is shown in the image in figure 7, below.



Figure 7: Garage at number 42.

- I. In July 2019, the council approved the redevelopment of 38 Prestwich Park Road South, including the construction of a side garage extension (reference: 64286). The completed development is shown in figure 8, below. Unlike the current appeal proposal, the garage is 1.5 storeys tall, with a dual-pitched roof and front and rear dormers. This development shows that a garage can be added to one of the historic buildings in the conservation area without causing unacceptable harm to its character.



Figure 8: Development at 38 Prestwich Park Road South.

- m. The decision notices and approved plans for the applications mentioned in the previous paragraphs are provided in the appendices.
- n. The appellant notes that there were no objections to his proposal received from any neighbours.

7. Conclusions

- a. It is unusual that a house of this size does not have any ancillary structures within the curtilage. The appellant would like to build a garage to sit beside, and align with, the front elevation.
- b. It will be a discreet and non-obtrusive presence. It will be modest in terms of its overall dimensions and will not appear excessively prominent or harm the streetscene. It will complement the character and proportions of the main house and will match it in terms of its choice of materials.
- c. Garages of this kind are a strongly established feature of the area and several have been approved and built nearby, including on a similar corner plot (at 38 Prestwich Park Road South).
- d. For these reasons, it is considered that the council's reason for refusal is not well-founded and that the proposed development complies with the relevant development plan and national policies. The inspector is therefore respectfully requested to allow this appeal.



Just Planning Limited
Tel: 020 3488 1525
Email: info@just-planning.co.uk

Just Planning HQ
42 Hampstead House
176 Finchley Road
London NW3 6BT

www.just-planning.co.uk

 [justplanning](https://www.facebook.com/justplanning)
 [@JustPlanning](https://twitter.com/JustPlanning)

© Just Planning 2023