

# NOTICE OF REFUSAL OF PLANNING PERMISSION

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

**To:**

Mr David Hildreth  
rfp surveys  
920 Edenfield Road  
Norden  
Rochdale  
OL12 7SS

**On Behalf Of:**

Mr G Chadha  
1A Ringley Road  
Whitefield  
Manchester  
M45 7BX

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### PART 1 - Particulars of Application

**Application Number:** 69369

**Date of Registration:** 01/03/2023

**Proposal:**

Erection of 1 no. detached dwelling

**Location:**

Land adjacent to 11 Dovehouse Close,  
Whitefield, Manchester, M45 7PE

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### 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 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. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan and Section 12 of the National Planning Policy Framework:  
Policy H2/1 - The Form of New Residential Development  
Policy EN1/2 - Townscape and Built Design
- 2 The proposed retaining wall would be detrimental to the amenities of the future occupants of the proposed dwelling by reason of its height, size and position. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:  
Policy EN1/2 - Townscape and Built Design  
Policy H2/1 - The Form of New Residential Development  
Policy H2/2 - The Layout of New Residential Development
- 3 The position of the proposed first floor window in relation to bedroom 3 would result in unacceptable overlooking of land outside of the applicant's ownership by reason of the sub-standard distances between proposed habitable window and the directly facing boundary. The proposed development therefore conflicts with Unitary Development Plan Policies :  
Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development  
Policy H2/2 - The Layout of New Residential Development  
Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

- 4 The application and submitted plans contain insufficient information in relation to the proposed retaining walls to enable the impact upon the streetscene and site to be properly assessed. Therefore, the proposed development would conflict with the following policies of the Bury Unitary Development Plan and Section 12 of the NPPF:  
Policy EN1/2 - Townscape and Built Design  
Policy H2/1 - The Form of New Residential Development.
- 5 The application and submitted plans contain insufficient information to enable the impact of the proposed development upon trees, landscaping and ecology to be properly assessed. Therefore, the proposed development would conflict with the following policies of the Bury Unitary Development Plan and Section 15 of the NPPF:  
Policy EN1/2 - Townscape and Built Design  
Policy EN1/3 - Landscaping Provision  
Policy EN6/3 - Features of Ecological Value  
Policy EN8 - Woodland and Trees.
- 6 The size of the site is inadequate to accommodate the development proposed whilst satisfying reasonable requirements for space about the dwelling. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:  
Policy EN1/2 - Townscape and Built Design  
Policy H2/1 - The Form of New Residential Development  
Policy H2/2 - The Layout of New Residential Development.
- 7 The proposed access, parking and turning facilities are sub-standard and are likely to lead to vehicles encroaching on the adjacent footway/Public Footpath No. 29, Whitefield, and parking and carrying out manoeuvres on the adjacent estate roads/unadopted access to the adjacent garage colony, to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:  
Policy EN1/2 - Townscape and Built Design  
Policy H2/2 - The Layout of New Residential Development  
Policy HT2/4 - Car Parking and New Development  
Policy HT6/2 - Pedestrian/Vehicular Conflict
- 8 Visibility at the junction with Dovehouse Close and at the back edge of the footway is sub-standard and does not comply with the standards in Manual for Street, which would be detrimental to pedestrian and road safety. Therefore, the proposed development conflicts with the following policy(ies) of the Bury Unitary Development Plan:  
Policy EN1/2 - Townscape and Built Design  
Policy H2/2 - The Layout of New Residential Development  
Policy HT6/2 - Pedestrian/Vehicular Conflict
- 9 The application and submitted plans contain insufficient, topographical survey based information in order for the following to be properly assessed:
  - Confirmation that adequate vehicular access arrangements to the site perpendicular to the existing access route can be achieved on land within the applicant's control or from the limits of the adopted highway;
  - Physical impact of the development on the adjacent adopted highways and Public Footpath No.'s 28 & 29, Whitefield;

- Adequacy, extent and detail of the proposed retaining structures;
- Provision of porous/permeable driveway materials and/or measures to prevent the discharge of surface water onto the adjacent adopted highway;
- Provision of in-curtilage bin storage facilities in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.

Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy EN7/5 - Waste Water Management

Policy H2/2 - The Layout of New Residential Development

Policy RT3/4 - Recreational Routes

Policy HT6/2 - Pedestrian/Vehicular Conflict

### **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                                                         |
| EN1/3 | EN1/3 - Landscaping Provision                                                              |
| EN6   | EN6 - Conservation of the Natural Environment                                              |
| EN6/3 | EN6/3 - Features of Ecological Value                                                       |
| EN7   | EN7 - Pollution Control                                                                    |
| EN7/5 | EN7/5 - Waste Water Management                                                             |
| RT3/4 | RT3/4 - Recreational Routes                                                                |
| HT2/4 | HT2/4 - Car Parking and New Development                                                    |
| HT4   | HT4 - New Development                                                                      |
| HT5/1 | HT5/1 - Access For Those with Special Needs                                                |
| HT6/2 | HT6/2 - Pedestrian/Vehicular Conflict                                                      |
| SPD6  | Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.  |
| SPD11 | Development Control Policy Guidance Note 11 - Parking Standards in Bury                    |
| SPD16 | Development Control Policy Guidance Note 16 - Design and Layout of New Development 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:**

21082/11 Rev A  
21082/12 Rev C  
21082/13 Rev C  
21082/14 Rev C  
21082/15 Rev C  
21082/16 Rev C  
21082/17 Rev C

**NOTES TO APPLICANT**

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'for kate', written over a dotted line.

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On behalf of the Council

**Date of Decision:** 31/08/2023