

Single Storey Extension at Rear to Form 1 no. Ground Floor Flat

212A Bell Lane, Bury BL9 6HS

Planning Application Number 70259

PLANNING STATEMENT

Introduction

212 Bell Lane is a two storey, brick built end terraced property fronting a main road. Number 212A is a first floor flat accessed from a door at the side with an additional room on the ground floor accessed from the hallway. There is an external door to an enclosed rear yard. The remainder of the ground floor beneath the flat is a cafe with its own, separate, rear yard.

It is proposed to retain the first floor flat as it is but without the ground floor room. This will be part of a new ground floor flat to include a single storey extension projecting four metres from the rear wall of the original building.

I telephoned the Planning Officer and was informed that she was contemplating recommending refusal. I sent a brief email dated 16 January suggesting that refusal of the application was unjustified. Nevertheless, it was refused next day for the reason that :-

“The proposed development, by virtue of an increase in residential units at the site and reduction of private amenity space, would result in a loss of facilities and amenities available to the existing and future occupiers of the property. As such, the proposal would have a detrimental impact on residential amenity of the occupiers and would fail to provide a good quality residential environment.”

Planning Policies

The reason for refusal alleges that the proposal is contrary to specific policies of the Bury Unitary Development Plan and also the National Planning Policy Framework.

Unitary Development Plan

The UDP was adopted as long ago as 1997 but is still Bury's development plan.

Policy H1/2 – Further Housing Development sets out factors to be considered when assessing proposals for housing development on sites not identified on the Proposals Map. It does not appear to be relevant to a minor development that meets the necessary requirements.. The Policy does not support the reason for refusal. At one point the Planning Officer's Report confirms that the "proposed development would be in accordance with Policy H1/2". Later in the Report it is stated that the development would be contrary to the Policy without explaining how or why!!.

Policy H2/1 – The Form of New Residential Development requires development to make a positive contribution to the form and quality of the surrounding area. The Planning Officer's Report confirms her positive attitude to the factors to be considered apart from, questionably, "residential amenity".

Policy H2/2 – The Layout of New Residential Development lists eleven factors to be considered, more applicable to much larger developments. The only possible relevant factor is "e) space about and between dwellings". The Planning Officer's report expresses no concerns about space between dwellings.

NPPF

The latest version of the NPPF was issued in December 2023. The reason for refusal does not specify which section of the document the proposal contravenes. The Officer Report explains Bury's failure to meet NPPF housing targets which justifies the grant of planning permission unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as whole" (para 11d). I dispute that there are any significant "adverse impacts".

Housing is needed for different groups in the community including those who need affordable housing and rent their homes (para 63). This a windfall site where development would cause no harm to the local area (para 72).

The guidance in paragraph 38 of the NPPF has not been followed “Local planning authorities should approach decisions on proposed development in a positive and creative way.....Decision-makers at every level should seek to approve applications for sustainable development wherever possible”.

Technical housing standards - nationally described space standards

The document was issued in 2015. The standards are only relevant in new dwellings and are not compulsory. The size of the ground floor unit complies with the guidance.

There are no such standards for amenity space. The London Housing Design Guide, 2020, may be helpful. Twelve square metres would be the minimum requirement for two units of the size proposed. Here there is eighteen square metres.

In 2015, the Secretary of State, Robert Jenrick, said that permitted development applications for flats should follow the guidance on internal space standards but there was no advice on minimum standards for external space.

Grounds of Appeal

My email of 16 January 2024 summarises why planning permission should have been granted. I am not sure that it was considered before the application was refused.

As the Officer Report points out, the site is within the urban boundary with residential properties to the boundaries and in a sustainable location with access to public transport and services. The flat roof of the extension replicates others nearby. The windows are suitably aligned and the use of matching materials is acceptable. There is no adverse effect on the residential amenity of neighbours and no requirement in this location for off street parking.

The refusal is solely because of the “reduction of private amenity space”. The Officer Report suggests that this may be more of a problem for the existing first floor flat.

An extension to a terraced house projecting four metres would be a “larger home extension” not requiring full planning permission. Smaller extensions would not need a planning application at all. In either case there is often less private amenity remaining than is proposed here.

It is not unusual for first floor flats above commercial premises to have no private amenity space at all. I have obtained planning permission for these and related development without hindrance. The most recent is at 168 Brandlesholme Road, Bury on 22 January this year for a ground floor extension to a shop which leaves no private amenity space other than a bin storage area (application number 70337).

The Inspector is asked to look at number 214, Bell Lane, the Post Office, which has a first floor flat above. There is a single storey extension to the full depth of the yard leaving only a corridor to access the flat. Permission was granted in January 2019 (application number 63485).

There are no national or local standards for private amenity space. The proposal does make provision for bin storage for both units. The refusal is based simply on the Planning Officer’s opinion and not supported by either UDP Policies or the NPPF.

The Inspector is urged to allow the Appeal.