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STATEMENT OF CASE

Storage unit to the rear of 2C Green Street, Bury, BL8 1TF

February 2024

Contents

Section	Page
1. Introduction	3
2. The Appeal Site and its Surroundings	5
3. Planning History	8
4. Development subject of Appeal	9
5. Relevant Planning Policy	11
6. Grounds of Appeal – Appellant's Case	13
7. Summary and Conclusions	17

1. Introduction

1.1 This Appeal Statement has been prepared by RA Design & Project Management Ltd, on behalf of Mr P Sanghani, 'the Appellant', in respect of the decision by Bury Metropolitan Borough Council to refuse planning application ref: 70120.

1.2 Application 70120 was validated on 11/10/2023 and was refused by notice dated 20/11/2023.

1.3 The submitted application, subject to this appeal, comprised of the following drawings/documents:

- Existing and Proposed Plans/Elevations – Drawing no. RAD/2934/23/1/RevA

1.4 The Decision Notice (**Appendix 1**) lists 5no. reasons for refusal, which read as follows:

1. The proposed development, by virtue of the position of the proposed dwelling to the rear of Green Street and Tottington Road with no street frontage and accessed by an unadopted road routed between established residential properties, would constitute an incongruous and inharmonious form of development that would be unsympathetic to the established arrangement of streets, buildings and spaces. The proposed development therefore conflicts with Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development, H2/4 - Conversions and H2/6 - Garden and Backland Development of the Bury Unitary Development Plan and the National Planning Policy Framework.

2. The application and submitted plans contain insufficient information to enable them to be properly assessed in relation to proposed residential amenity space for the dwelling. The submitted plans do not scale accurately and contain conflicting information in relation to the extent of the land associated with the proposal. The proposed development therefore conflicts with Unitary Development Plan Policies H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development and the National Planning Policy Framework.

3. The location of the proposed boundary fencing would be seriously detrimental to the residential amenities of the future occupiers by reason of its overbearing position in relation to the windows for the proposed dwelling. The proposed development therefore conflicts with Unitary Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development and Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

4. The proposal would result in the creation of sub-standard access and parking arrangements on/adjacent to Green Street, which would be detrimental to highway safety and maintaining the free flow of traffic on the adopted highway. The proposed development therefore conflicts with Unitary Development Plan Policies H2/4 - Conversions, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

5. The application and submitted plans contain inaccurate and insufficient information in order to properly assess the impact on access to adjacent properties both fronting Green Street and Tottington Road. The proposed development therefore conflicts with Unitary Development

Plan Policies H2/4 - Conversions, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

2. The Appeal Site and its Surroundings

- 2.1 The appeal site relates to a single storey, flat roofed, storage unit, located off a single access track. Access to the storage unit is taken off Green Lane, which is in turn accessed off Tottington Road.
- 2.2 The storage unit is finished in render and contains three windows to the front elevation. A doorway and larger access are covered by black roller shutters.
- 2.4 The storage unit is bound by residential properties to the sides and rear. To the front of the unit is the access track.

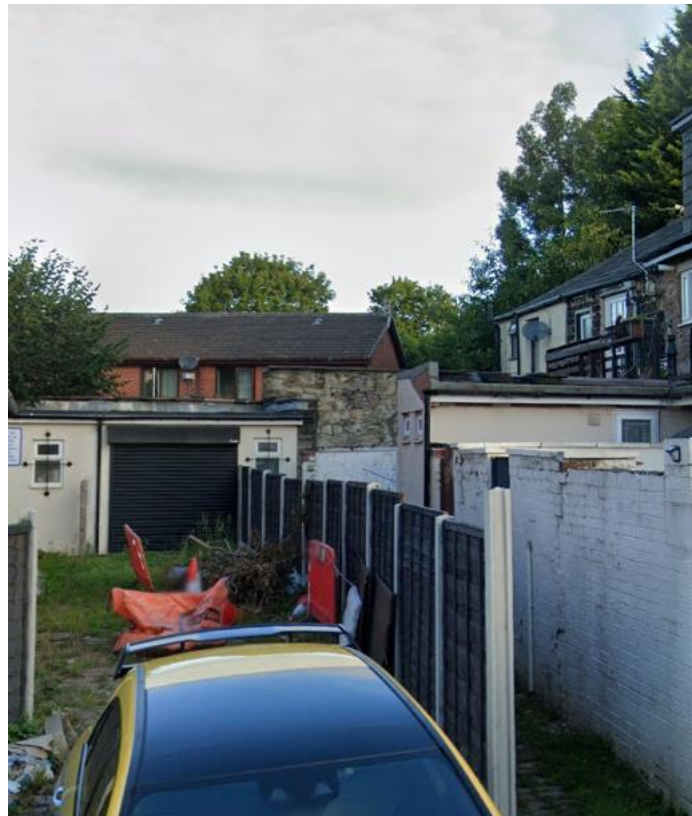


Appeal Site Location

- 2.5 The photo below shows the appeal building:



- 2.6 To the north-east of the appeal building, there is a row of terraced properties on Tottington Road. The rear elevations of these terraced houses face the appeal building and access track. The nearest of these to the appeal building are no's 329 and 331.
- 2.7 To the north-west of the appeal building, there are residential properties at Lomond Drive. The rear elevations of no's 3 and 7 Lomond Drive face the appeal site/building.
- 2.8 The photo below shows the relationship between the appeal building and the nearest residential properties, their rear elevations, at Lomond Drive and Tottington Road:



- 2.7 To the south exists more modern dwellings on Green Street, which are two storey in height. 2C Green Street, a two-storey detached dwelling, is the closest and the rear elevation faces the appeal building. The relationship can be seen in the photo below:



- 2.8 The image below shows the Green Lane street scene. Modern, red brick, houses dominate the appearance of the street scene but there is a vacant commercial building on the opposite side of the road and terraced houses further along.

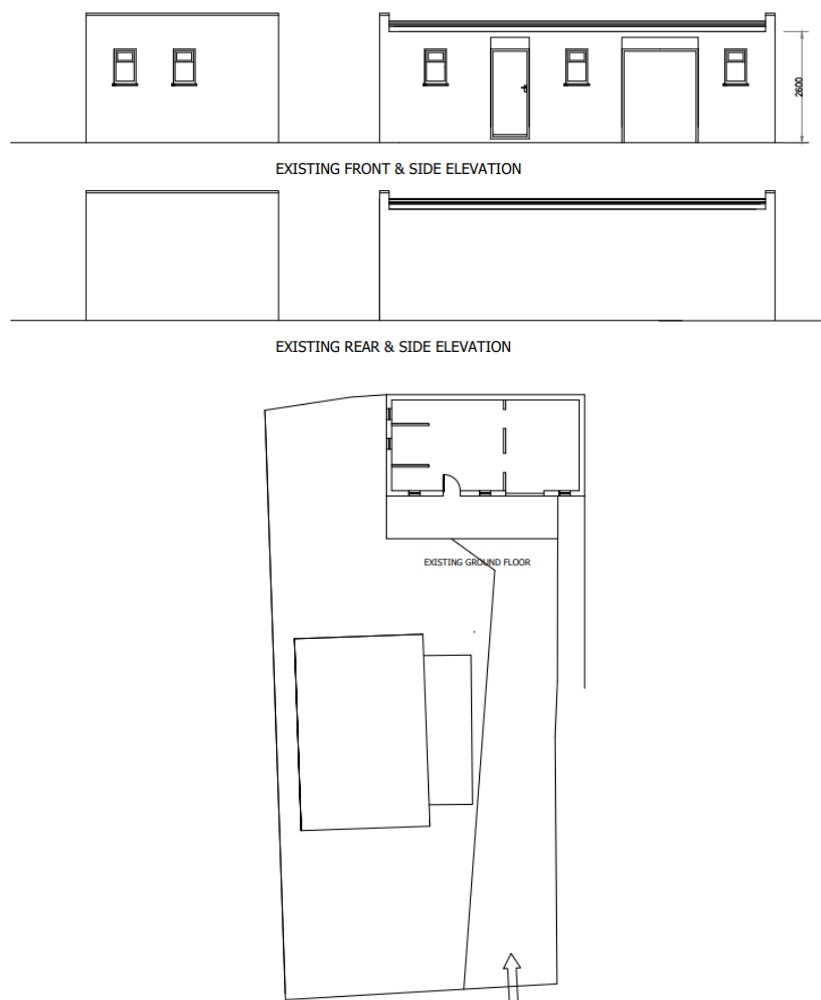


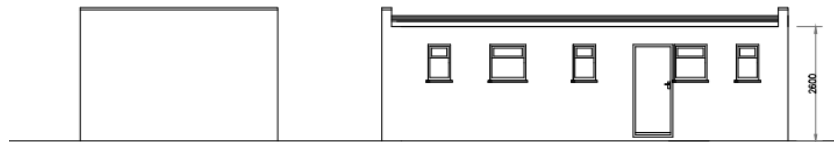
3. Planning History

Application Ref	Description of Development	Decision	Date
34200	Conversion of storage building to living accommodation.	Refused	11/06/1998

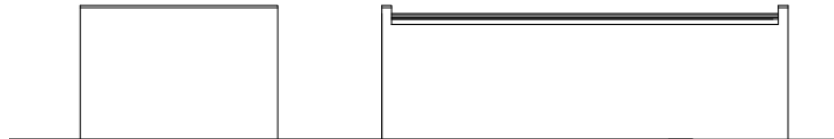
4. Development subject of Appeal

- 4.1 The appeal proposals relate to the proposed change of use of an existing single storey, flat roofed, storage building to one, 1 no. bedroomed dwellinghouse.
- 4.2 The appeal dwelling comprises 1no. bedroom, 1no. bathroom and a living/kitchen area.
- 4.3 Access to the proposed dwelling would be from Green Street, via single track access road, between 2C Green Street and the rear of 325-331 Tottington Road
- 4.4 The appeal proposals also include a driveway, capable of accommodating 1 no. vehicle.
- 4.5 Amenity space, in the form of a yard area together with bin storage, is proposed to the front.

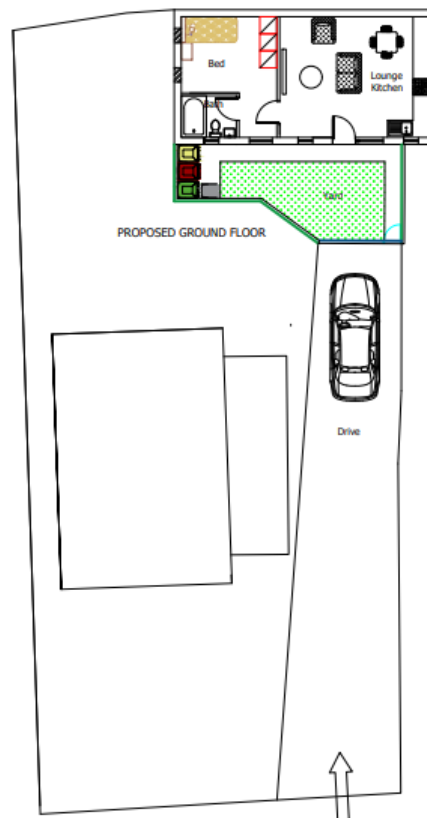




PROPOSED FRONT & SIDE ELEVATION



PROPOSED REAR & SIDE ELEVATION



5. Relevant Planning Policy

5.1 Planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises the:

- Bury Unitary Development Plan adopted in August 1997 [the UDP];
- Greater Manchester Joint Waste DPD adopted in 2012; and,
- Greater Manchester Joint Minerals DPD adopted in 2013.

5.2 A revised version of the NPPF was published in December 2023. This replaced previous versions of the NPPF 2019. It is a material consideration in the determination of planning applications, particularly where policies contained therein conflict with or supersede parts of the Development Plan.

Bury Unitary Development Plan (UDP)

5.3 The Decision Notice issued by the Council refers to the following UDP Policies:

- *EN1/2 (Townscape and Built Design)* states that the Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements and sets out a number of factors that will be considered with the aim of ensuring that development is acceptable.
- *H1/2 (Further Housing Development)* sets out criteria for assessing proposals for housing development which is not identified on the Proposals Map.
- *H2/1 (The Form of New Residential Development) Policy H2/1* –is a general design policy that requires good designs in new residential developments and that local character is not adversely affected by new developments. Criteria includes:
 - The height and roof type of adjacent buildings;
 - the impact of developments on residential amenity;
 - the density and character of the surrounding area;
 - the position and proximity of neighbouring properties; and
 - the materials to be used in proposed developments, especially their colour and texture.
- *H2/2 (The Layout of New Residential Development)* is a general design policy that requires good designs in new residential developments and that local character is not adversely affected by new developments.
- *H2/4 (Conversions)* supports the conversion of existing buildings to residential development subject to suitability and details.

- *H2/6 (Garden and Backland Development)* states that the Council will not permit proposals which will result in the loss of private gardens and backland for infill development unless such proposals can be shown not to adversely affect the character and amenity of the area. When assessing proposals, special regard will be given to:
 - the concentration of such development in the surrounding area;
 - the relative density of the proposal to that of the surrounding area;
 - the impact on neighbouring properties and the local environment;
 - access arrangements.
- *HT6/2 (Pedestrian/Vehicular Conflict)* states that the Council will take action, as appropriate, to reduce pedestrian/vehicular conflict through measures which include:
 - pavement widening/realignment;
 - pedestrianisation schemes;
 - improved pedestrian crossing facilities;
 - proposals designed to reduce traffic speed;
 - provision of clearly signed pedestrian routes.

5.4 Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

- This Development Control Policy Guidance Note relates to the Council's planning policy with regard to alterations and extensions to existing residential properties.

6. The Case for the Appellant

- 6.1 The appellant's case is made against each specific reason for refusal, with each individually addressed below:

Reason for Refusal 1:

“The proposed development, by virtue of the position of the proposed dwelling to the rear of Green Street and Tottington Road with no street frontage and accessed by an unadopted road routed between established residential properties, would constitute an incongruous and inharmonious form of development that would be unsympathetic to the established arrangement of streets, buildings and spaces. The proposed development therefore conflicts with Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development, H2/4 - Conversions and H2/6 - Garden and Backland Development of the Bury Unitary Development Plan and the National Planning Policy Framework”.

- 6.2 The application site is located within an established urban area. The building, to which this appeal relates, is already in-situ and the proposals seek to convert its current storage use to residential use. The impact of the proposed conversion would be minimal, particularly given that only minor external design changes are proposed.
- 6.3 As noted above, the building is already in-situ and is an established feature within the street scene. The building is visible from Green Street and the conversion will serve to improve its character and appearance. The appellant asserts that, particularly given that the building is already in-situ, the building, would not constitute an incongruous and inharmonious form of development that would be unsympathetic to the established arrangement of streets, buildings and spaces. Particularly in design terms, there would be little change from the existing situation on-site.
- 6.4 Whilst the Council considers that the development constitutes backland development, the appellant considers that the site is suitable for the development proposed. It is surrounded by existing residential properties and the change of use from a commercial use to residential will create a much more sympathetic and in-keeping form of development that will be harmonious with its surrounding uses.
- 6.5 The reason for refusal references the access track, which will provide access for the proposed dwelling. This access track exists and is presently used for accessing the storage unit. Given the small size and scale of the unit, the proposed change of use to a dwelling would not result in a demonstrable change to use of the existing access track and the impact would not, it is asserted, be material.

Reason for Refusal 2:

“The application and submitted plans contain insufficient information to enable them to be properly assessed in relation to proposed residential amenity space for the dwelling. The submitted plans do not scale accurately and contain conflicting information in relation to the extent of the land associated with the proposal. The proposed development therefore conflicts with Unitary Development Plan Policies H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development and the National Planning Policy Framework”.

- 6.6 The appellant asserts that the drawings scales are correct. There are four viewpoints in the drawing (main plan, location plan, block plan and site plan) and are all at the correct scale as shown on the drawing. The Council did not raise the issue of a scaling problem during the application process and the application was validated on the basis of the submitted drawings. Notwithstanding this, key measurements are annotated on the plans. The appellant could have confirmed any queries regarding amenity space during the process, if queried by the LPA.
- 6.7 The amount of residential amenity space proposed is 22sqm, which is asserted to be wholly adequate for the size and scale of the proposed dwelling.
- 6.8 The site extent is clearly edged red on the site location plan, detailing and demonstrating the development area. On the existing and proposed plans, a slightly larger area is shown for context. This is not unusual.

Reason for Refusal 3:

“The location of the proposed boundary fencing would be seriously detrimental to the residential amenities of the future occupiers by reason of its overbearing position in relation to the windows for the proposed dwelling. The proposed development therefore conflicts with Unitary Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development and Supplementary Planning Document 6: Alterations and Extensions to Residential Properties”.

- 6.9 The Officer report states the following in respect of boundary fencing:
- “The proposed bedroom window to the front of the unit, would be the only window for this room. Whilst boundary treatments are currently not in place for No. 2C Green Street the proposed ground floor plan shows a 2-metre fence along the shared boundary with the site. The proposed bedroom window would be approximately 1.8 metres from this fence. Whilst the fence may be below a full 1 storey in height it is considered this distance is insufficient to protect the amenity of any future occupier and would lead to an overbearing relationship between the proposed and existing uses”.*
- 6.10 The submitted proposed ground floor plan clearly shows the layout proposed. The proposed boundary fence is sited to the front of the property but will be kept to a low

level. The fence will define the site curtilage and delineate the site from neighbouring boundaries.

- 6.11 The distance between the front bedroom window, which is not the main window to the bedroom, would not result in a relationship that significantly differs from adjacent development. The rear elevations of surrounding terraced properties are bounded by tall walls, at a similar distance to that proposed by the fence and front elevation of the appeal building.
- 6.12 The Council wrongly state that the bedroom window to the front is the only window which serves this room. This assessment of the ground floor plans is incorrect as the two existing side windows will be utilised to provide the main outlook for the bedroom.
- 6.13 The proposals protect the amenity of future occupiers and would not lead to an overbearing relationship between the proposed and existing uses.

Reason for Refusal 4

“The proposal would result in the creation of sub-standard access and parking arrangements on/adjacent to Green Street, which would be detrimental to highway safety and maintaining the free flow of traffic on the adopted highway. The proposed development therefore conflicts with Unitary Development Plan Policies H2/4 - Conversions, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict”.

- 6.14 The access from Green Street already exists, running along an unadopted road to the rear of the properties on Tottington Road. This unadopted road has historically provided access to the existing unit. The access is to be used as a driveway to the proposed dwelling.
- 6.15 The current use of the building/site is for storage and the access road can be used freely for this use. The small scale of the appeal proposals would not lead to an exacerbation of the use of this access road and the comings and goings would likely be no different to the storage use of the site.

Reason for Refusal 5

“The application and submitted plans contain inaccurate and insufficient information in order to properly assess the impact on access to adjacent properties both fronting Green Street and Tottington Road. The proposed development therefore conflicts with Unitary Development Plan Policies H2/4 - Conversions, EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict”.

- 6.16 This reason does not specify what the Council deem to be inadequate on the submitted plans in respect of the access arrangement and its impact upon adjacent properties. However, the Officer Report states:

“As discussed above there appears to be an area to the side of the proposed driveway that could be used as access to the rear of the properties on

Tottington Road however only 9 metres of this "access" is shown on a plan and this has not been annotated as such. No details have been provided by the applicant over who currently has a right of access via this unadopted road. A fence has also been erected to the side of no. 2C Green Street, and along the rear of the properties of Tottington Road that are not shown on the approved plans for application 67315, and are not shown on the proposed plans for this application which narrows the access. This issue has already been reported to planning enforcement. It is therefore considered that the application and submitted plans contain inaccurate and insufficient information in order to properly assess the impact on access to adjacent properties both fronting Green Street and Tottington Road".

- 6.17 The appellant has permissive access rights over this private-road in order to gain access to the public highway. The level of traffic impact from one new residential property at this location above existing will be minimal and should be accommodated with no detriment/severity to road safety, amenity and operational capacity at this location. There are no other properties served by this access road, meaning that there will be no situation where vehicles are required to pass each other on the access road.
- 6.18 The applellant asserts that the submitted plans are clear, accurate and demonstrate that the access road can readily accommodate the development proposed without detriment to highway safety, particularly given the existing use of the site and that the access presently serves this use.

7. Summary and Conclusion

- 7.1 This Statement sets out the Appellant's grounds for the planning appeal, brought against the refusal of application 70120 by Bury Metropolitan Borough Council.
- 7.2 The appeal site relates to a single storey, flat roofed, storage unit, located off a single access track. Access to the storage unit is taken off Green Lane, which is in turn accessed off Tottington Road.
- 7.3 The appeal proposals would result provide a new dwelling within the urban area, that will assimilate well with its surroundings.
- 7.4 The appeal proposals would not result in any adverse impacts upon the amenity enjoyed by surrounding residential occupiers.
- 7.5 The existing access will provide safe and suitable access for the proposed development.
- 7.6 For the reasons outlined within this statement, the Inspector is respectfully requested to allow the appeal.