



Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Our Ref: RG/RG/G267/L001  
Date: 20<sup>th</sup> October 2023

Dear Sir / Madam

**GROUND OF APPEAL – ON BEHALF OF THE APPELLANT**  
**LPA APPLICATION REF : 69392**  
**HAGUE HALL FARM, MATHER ROAD, BURY, BL9 6TJ**

We are instructed by *Mr. Stewart Sivvery* (the Appellant) to submit this appeal against the refusal by Bury Council of planning application ref: 69392.

The full application promoted the following development :

*“Change of use of a building to additional living accommodation; Two storey side extension and single storey front extension; external alterations including alterations to windows / doors and removal of 2 no. windows”*

This letter is the Appellant's Appeal Statement.

**History / Progress of Application**

We did not act as agent for the planning application, but set out below our understanding of the history and application process.

The property was subject of damage that arose from a fire in 2017 that broke out in an outbuilding close to the subject property.

The fire service was called out, and - in the process of manoeuvring the fire tender - it reversed into what was an outrigger at the side of the property, causing structural damage.

We are told that an insurance claim was made in respect of rebuilding the damaged outrigger and that a payment of circa £20,000 was settled.

The photograph on the following page shows the side outrigger as it was constructed prior to the above accident. It will be noted that it sits flush with the main frontage of the building, extending to around three-quarters of the height of the main building, with no 'set back'. Other historic images are provided at *Annex A*.



The photograph below shows the building immediately following the damage, prior to its reconstruction, again highlighting that its front wall (on the left hand side) was flush with the adjacent main building.





We suggest that, had the outrigger been repaired / rebuilt in precisely the same manner as it was prior to the accident, planning permission would not have been required, or – if the LPA deemed that it was required – it would have approved an application that replicated what was there previously, as it would have been most unreasonable to have resisted such a proposal in those unfortunate circumstances.

During the course of repair work, the property was extended in three places, namely :

1. A small rear extension (which was approved by the LPA in May 2020 and again subsequently);
2. A front porch (which also has the benefit of approval); and
3. A 2 storey side extension which replaced the damaged single storey side extension, using precisely the same footprint (albeit obviously moderately taller).

The latter element forms the main basis of this appeal.

In June 2021, the Appellant submitted a retrospective planning application (ref: 66800) seeking to regularise the completed works, albeit indicating a small set back from the front wall of the main building. That application was refused in September 2021.

An appeal was lodged (ref: APP/T4210/W/21/3284471). The appeal was dismissed. The appeal decision is provided with these papers to assist the Inspector. It was refused on one very narrow ground, which had not featured as one of the LPA's reasons for refusal. The Inspector expressed concern about the configuration of windows at the side of the rebuilt side extension, explaining that:

*"It is proposed to install large windows serving the lounge, office, bedroom 2 and bedroom 3 in the pair of gables forming the side elevation of the extension. These comparatively wide window openings would not be reflective of the existing fenestration in the building. This elevation would also be at odds with the aforementioned high solid to void ratio that is characteristic of the existing building. The resulting harm arising to the host building from the proposed fenestration would be easily visible from the public right of way.*

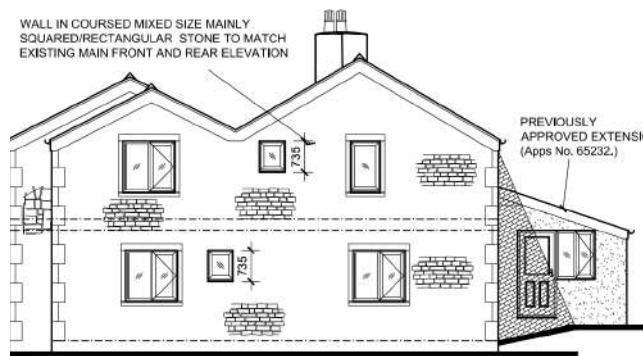
*For these reasons I therefore conclude that the scheme before me, namely the window arrangement, would result in harm to the character and appearance of the area."*

The appeal was accordingly dismissed on that one narrow ground. We will return to the Inspector's wider findings later in this letter.

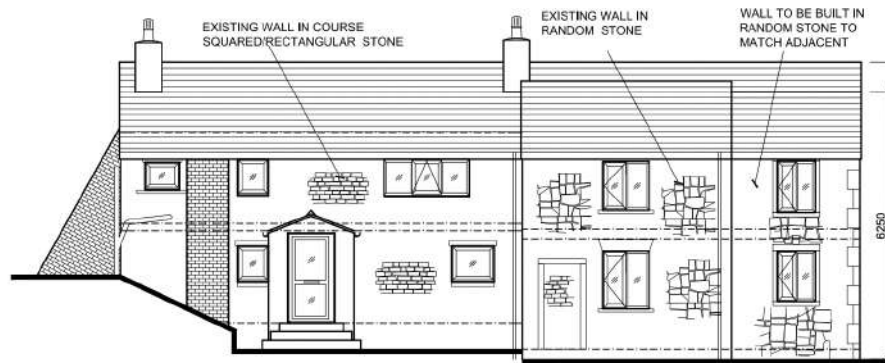
Following the dismissed appeal, the Appellant submitted a new application (ref: 68626) which sought to address the Inspector's concern about those windows, but was otherwise identical. That was approved on 22<sup>nd</sup> September 2022.



The scheme assessed by the former Inspector and latterly approved by the LPA included a small 'set back' at ground and first floor level, as indicated on the extracts from the drawings approved under application 68626 below.



**PROPOSED SIDE**



**PROPOSED FRONT ELEVATION**

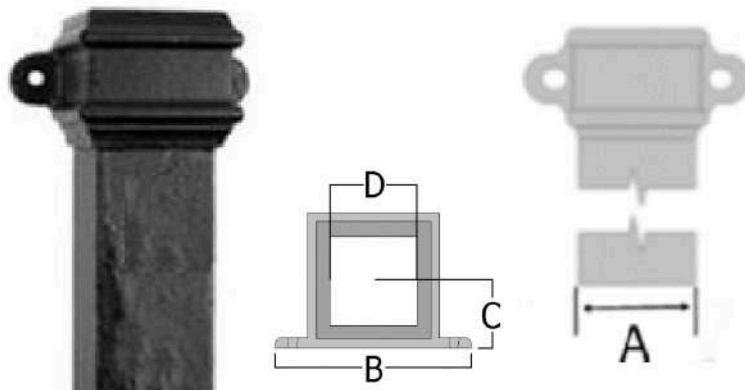
Following that approval, the Appellant submitted a further planning application (the subject of this appeal) that promoted an identical form of development aside from the omission of the 'set back'.

The Appellant considered that, because the 'as built' development sits within Bury Council's policy that indicates that buildings in the Green Belt can generally be extended proportionately by one third of the built volume without causing material harm to the Green Belt, there was no good reason to have to reconstruct the side extension to accommodate the set back.

The Appellant was also understandably reluctant to lose the ground floorspace that would result from the set back, given that the building that previously occupied the site (prior to damage by the fire brigade) ran flush with the main frontage. The Appellant considered it unfair and unreasonable to lose floorspace and in turn be penalised as a consequence of the inadvertent actions of the fire brigade. That former structure (before it was damaged) had occupied the site – without a set back – for decades, and it was clearly not causing harm.

Furthermore, it was (and is) considered that – in design / visual terms – the 'as built' extension does not cause any material harm to the Green Belt or visual amenity, and particularly given the commitment to "re-stone" its frontage (as per the submitted Method Statement) and conceal the 'join' between the extension and the main building by installing a good quality heritage-style drainpipe (such as the example on the following page).



| Heritage Square/Rectangular Cast Iron Rainwater Pipe                             |                        | HERITAGE<br>CAST IRON RAINWATER |           | 20           |
|----------------------------------------------------------------------------------|------------------------|---------------------------------|-----------|--------------|
|  | Code Ref.              | CIS33/6FT                       | CIS43/6FT | CIS44/6FT    |
|                                                                                  | Length                 | 1830mm                          | 1830mm    | 1830mm       |
|                                                                                  | A=Ext. Diameter        | 86x86mm                         | 110x85mm  | 110x110mm    |
|                                                                                  | B=Width of Flange      | 180mm                           | 210mm     | 220mm        |
|                                                                                  | C=Centre to Wall       | 50mm                            | 50mm      | 70mm         |
|                                                                                  | D=Socket Int. Diameter | 90x90mm                         | 161x91mm  | 112(w)x114mm |
|                                                                                  | Weight                 | 26kg                            | 30.5kg    | 36kg         |



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In simple terms, whilst it is acknowledged that the incorporation of 'set backs' is a common default mechanism for many extensions, it is considered that, in the particular circumstances of this case and its history, it is simply not necessary to incorporate a set back, and that no material harm will arise to the Green Belt, visual amenity of any other land use planning consideration if the structure is maintained without the set back. Hence the application was submitted.

Notwithstanding the absence of a set back, it is worth highlighting again that the application made a commitment to reconstruct the front wall of the side extension as it abuts the front façade of the main building, such that its stonework will adopt a random pattern to match the remainder of the building (as per the scheme that benefits from approval). A Method Statement was provided with the application to explain how this would be undertaken, and it is our understanding that the LPA has no concerns about that proposition, and that its only concern relates to the absence of a set back.

It is also worth noting that, prior to reconstructing the side extension following the damage caused by the fire service, the stone was cleaned. For that reason, as the extension stands today (at the point of lodging this appeal), there is a moderate contrast between the shading of the stonework – ie 'cleaned' stonework on the façade of the extension, and 'uncleaned' stonework on the façade of the abutting structure. The latter stonework will shortly be similarly 'cleaned' such that it will present an identical match to the extension (especially when the front façade of the extension has been modified in a more 'random' fashion). The Inspector will observe that when he/she visits the site.



The LPA refused the application on 10<sup>th</sup> October 2023 for the following reason:

*The proposed development by virtue of its scale and design would lead to inappropriate development within the Green Belt that would erode the character of the property in question and the openness of the surrounding area. The proposed extensions would result in a disproportionate additions over and above the size of the original dwelling and subsequently harm the openness of the Green Belt and are therefore contrary to the following policies of the Bury Unitary Development Plan:*

- *OL1/2 - New Buildings in the Green Belt and associated Supplementary Planning Document 8: New Buildings and Associated Development in the Green Belt;*
- *OL1/4 - Conversion and Re-use of Buildings in the Green Belt and associated Supplemenatry Planning Document 9: - Conversion and Re-use of Buildings in the Green Belt;*
- *H2/3 - Extensions and Alterations and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties;*
- *EN1/1 - Visual Amenity; and*
- *the National Planning Policy Framework.*

#### **Appellant's Response to the Reason for Refusal**

The reason for refusal (RfR) cites four Development Plan (Bury UDP) policies in total :

- EN1/1 - Visual Amenity
- OL1/2 - New Buildings in the Green Belt
- OL1/4 - Conversion and Re-Use of Buildings in the Green Belt
- H2/3 - Extensions and Alterations

The RfRs also suggest conflict with the following supplementary guidance :

- Supplementary Planning Document 8: New Buildings and Associated Development in the Green Belt
- Supplementary Planning Document 9: Conversion and Re-use of Buildings in the Green Belt

RfR1 also cites conflict with the NPPF, albeit no specific part is referred to.

While the Appellant disagrees that there is conflict with any of those policies, he is pleased to agree with the LPA that the proposal is consistent with all other Development Plan policies.

It seems that the only concern of the LPA is the absence of a 'set back', and the alleged harm that arises from that. The remainder of this statement therefore focuses overwhelmingly on the topic of the absence of the 'set back'.



The RfR expresses concern about scale and design, suggesting that the extension would result in a “disproportionate addition” over and above the size of the original dwelling and subsequently harm the openness of the Green Belt.

In terms of ‘scale’ and proportionality, we respectfully disagree with the LPA. We consider the development as built to be of an appropriate scale. The volumetric calculations submitted with the application confirm that – taking all extensions (both approved and proposed) in combination, there will be a net increase of 31.66% above the original building volume. That is below the 33% guide set out in the Council’s policy, and commensurate with the general ‘rule of thumb’ applied to many extensions in the Green Belt across the UK. So – taking the volumetric increase in isolation, and bearing in mind the LPA’s 33% policy guideline – we cannot agree that the proposal will result in a disproportionate increase.

Volumetric comparison is of course only one way of assessing impact on openness. In the Court of Appeal case *Turner v. SSCLG* [2016] EWCA Civ 466, Sales LJ interpreted the concept of openness as one which was “not narrowly limited to [a] volumetric approach” but “is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case”

More recently, Lindblom LJ presiding over *R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3 took matters further, stating :

“Whether, in the individual circumstances of a particular case, there are likely to be visual as well as spatial effects of the openness of the Green Belt, and, if so, whether those effects are likely to be harmful or benign, will be for the decision-maker to judge. But the need for those judgments to be exercised is, in my view, inherent in the policy.” [38]

“In my view, therefore, when the development under consideration is within one of the five categories of paragraph 90 and is likely to have visual effects within the Green Belt, the policy implicitly requires the decision-maker to consider how those visual effects bear on the question of whether the development would “preserve the openness of the Green Belt”. [40]

Those judgements have been reflected in recent appeal cases. For example, in part-allowing appeal APP/Z3635/W/20/3252420 (Bugle Nurseries, Shepperton, Spelborne) in July 2021, Inspector Hunter considered two proposals (Appeal A and Appeal B) and set out his thoughts on the proposed increase in built development and its visual dimension when assessing impact on the Green Belt. His comments in this regard are reproduced below.



27. In both instances, the appeal proposals, through the introduction of new buildings and associated infrastructure, would result in a substantial increase in the amount of built footprint on the site. Furthermore, both proposals would also be of a considerably greater height than the existing development and would extend across the full width of the appeal site.
29. In respect of Appeal B, development would be located away from the eastern boundary of the site, which would maintain the existing gap and sense of openness along Upper Halliford Road. The proposed dwellings would be taller than the existing buildings, structures and activities on the site. However, due to their design, height and their position within the site, along with the provision of new landscaping, the vast majority of the development would not be visible. Furthermore, car parking and the majority of the infrastructure would be contained within the site. Despite this, due to the increased amount of built form, the proposal would still have an urbanising effect and would therefore harm the character and appearance of the area. However, due to the design of the scheme, I consider this harm to be limited.
34. Whilst Appeal B would extend across the full width of the site, due to the development being set back from the road, and the retention of the existing eastern elements, the overall effect of the proposal upon the identified Purposes of the Green Belt would not be sufficient to have an adverse effect on the Purposes.
38. In terms of Appeal B, as with Appeal A, the proposal would have a more permanent appearance than the existing development and would result in the site having a more urban and developed feel. However, due to its layout and additional landscaping, its visibility from outside of the site would be limited. Furthermore, the existing openness along the eastern boundary of the site would be retained, with the exception of a small area of land to be used for the access, although, given the proposed use, this would still retain a sense of openness. The proposal would also not conflict with the purposes of the Green Belt.
39. Overall, therefore, given its urbanising effect, the proposed development would harm the openness of the Green Belt. However, considering the above, this harm would be limited. As a consequence, given that the majority of the site would comprise previously developed land, and where it does not, the land would remain open, and that the proposal would meet an identified affordable housing need and it would not cause substantial harm to the openness of the Green Belt, I conclude that Appeal B would meet the exceptions in Paragraph 145(g) of the Framework and would therefore not be inappropriate development.

We also note the outcome of appeal ref APP/R-66-/W/21/3274166 (Locoshed, Bollington Lane, Nether Alderley, Cheshire), allowed in August 2021. In allowing that appeal, the Inspector deleted a condition specifying that the demolition of a locomotive shed and its replacement with two houses should be carried out in total accordance with the drawings, finding no harm to the openness of the green belt through a proposed increase in height of the garages.

The inspector recorded that openness is capable of having both spatial and visual aspects. He then gave regard to various High Court judgments: *Euro Garages Ltd v SSCLG & Anor* [2018]; *Samuel Smith Old Brewery (Tadcaster), Oxtou Farm v North Yorkshire CC &*



*Darrington Quarries Ltd* [2018]; and *Samuel Smith Old Brewery (Tadcaster) and others* (*Respondents*) *v North Yorkshire County Council* [2020]. He explained that, in summary, these judgments highlight that, rather than treating any change as having a greater impact on the openness of the Green Belt, the correct approach is to consider the impact or harm, if any, wrought by the change.

Whether or not any change will have an adverse impact, he continued, and so cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications. He suggested that the word ‘openness’ is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case, but how to take account of the visual effects is a matter of planning judgement rather than one of legal principle.

Turning to the case before him, the Inspector noted that, although the proposal did not increase the footprint of the garages, it would result in them having a greater volume than the approved garages due to the increase in height. However, he suggested that the increase in height and volume would not be substantial. Furthermore, he noted that the increased height of the garages would not be conspicuous from the lane as a result of the existing built development within the surrounding area, siting of the new dwellings, new planting, existing vegetation, setback from the highway and, that the garages would appear modest compared to the size of the dwellings.

Given the scale of that proposal and the context of the site, the Inspector determined that the scheme would not have a detrimental effect or have a materially greater impact on the openness of the Green Belt than that approved. As such, he suggested that the proposal would not conflict with the fundamental aim of Green Belt policy to keep land permanently open. He concluded that – in spite of the increased built volume – the development would therefore preserve the openness of the green belt and would not conflict with the purposes of including land within it.

What the above cases (and case law) confirm is that volumetric calculation is not the ‘be all and end all’, and that a more sophisticated assessment is called for. Certain proposals that involve an uplift in the extent of built volume can be deemed appropriate and not harmful.

Having said that, we reiterate that the appeal proposal will result in global extensions less than the LPA’s adopted 33% threshold. It is therefore, in our view, proportionate.

The Framework confirms that extensions that are not disproportionate are ‘appropriate’, and in doing so does not caveat that by applying an additional test of impact on openness. Any house extension (no matter how small) will impact on openness. This is not a ‘test’ of the NPPF, providing the extension(s) is/are proportionate.

The Council’s 33% threshold was introduced with that in mind, and accepts that – in most circumstances – a 33% volumetric increase / extension (and its associated impact on openness) is proportionate, acceptable and ‘appropriate’.



Here we return to the words of Inspector Martinson when dismissing the former appeal in May 2022. That appeal was dismissed solely on the basis of the configuration of the proposed side windows, and for no other reason. Whilst we acknowledge that Inspector Martinson was considering a proposal with a set back at both ground and first floor level (which equated to a volumetric increase of 30.21% as opposed to the 31.66% proposed by this appeal), certain of his words are worth highlighting (as below).

At §12, the Inspector noted that:

*“given the wide frontage of the building, and the setback proposed to the front wing, this addition at the end of the building would appear subservient.”*

At §14 he said:

*“Having regard to the linear nature of the existing dwelling and the subservient nature of the extensions, their modest scale, and the fact that that together they fall within the guidelines for extensions in the SPD, I am satisfied that the scheme would not result in a disproportionate addition to the existing building.”*

And at §15:

*“Therefore, I find that the scheme before me would not be inappropriate development in the Green Belt and would accord with the provisions of paragraph 149 c) of the Framework. With respect to openness and the purposes of the Green Belt, given my findings that it would not be inappropriate development, the development would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it. As such it would accord with saved UDP Policies OL1/2 and OL1/4 and the SPD in this regard.”*

Here we acknowledge that the Inspector was assessing a scheme with a set back, but irrespective of that we contend that – in terms of pure ‘scale’ – a volumetric increase of 31.66% is not disproportionate.

Furthermore, our reading of Inspector Martinson’s decision is that, whilst he referred to the set back and appeared to place an extent of weight on it, he did not state that it was critical to his judgement or the ultimate outcome of the appeal. Given that that former appeal scheme included a set back, it would have been somewhat surprising had the Inspector not made mention of it, because that was the scheme before him. But simply because Inspector Martinson alluded to the set back, should not be taken as him suggesting that, without the set back, the scheme would not have been appropriate.

For the reasons explained earlier, the set back has been omitted from this appeal scheme, and it is the Appellant’s case that its exclusion does not elevate the proposal from ‘appropriate’ to ‘inappropriate’.



Turning to the LPA's concern about 'design', the principal question here is whether the omission of the set back results in material visual harm. We contend that it does not. Set backs are of course a common device to render some extensions subordinate, but in the circumstances of this case we suggest it is not necessary.

First, as the photograph on page 2 demonstrates, the original building (prior to the unfortunate accident caused by the fire service) was constructed flush with the main façade of the building (ie no set back). What is now proposed at ground floor level replicates that precisely, and that is hardly an unreasonable proposition in the circumstances. How and why is it reasonable that the Appellant suffers from damage caused by a third party, and is required to construct his building and lose floorspace that has existed for decades?

Above ground floor – and again pointing the Inspector to the photograph on page 2 – the extent of upper development equates to little more than 1.0 metre above the former situation. We contend that that very modest increase – corresponding with what was historically at ground level – does not result in material harm, and certainly once the frontage stonework has been adjusted to match the pattern of the main wall (as is proposed) and a good quality heritage-style drainpipe has been fitted that will obscure the 'join'. We contend that, following those works, the extension will read as part of the main building and represent what will appear to be a relatively seamless and matching part of the building that will not cause material harm in respect of design, character or impact on openness. The as built extension reused the original materials and reflects the character of the property, which is unsurprising considering it is precisely the same footprint of the structure before the accident and replicates in large part what was historically in place.

In respect of the rainwater pipe that will cover the 'join', the Inspector will note that the submitted Method Statement suggests that the existing rainwater pipe will be utilised. However, the Appellant now considers that a more robust heritage-style cast iron pipe (such as the example presented on page 5) would better reflect the heritage of the building. We therefore request – in the event that the Inspector is minded to allow the appeal – a condition to be attached that requires the full details of the rainwater pipe to be submitted to the LPA for approval.

The extension is simply and rustically designed. It is sensitive to the host property, using matching stone and employing sympathetic detailing (quoins, headers and cills) which were 'welcomed' in the LPA's original pre-application advice.

In overall conclusion, the Appellant considers the proposal to be proportionate, well designed and in keeping with character. A set back is not necessary to achieve a harmonious arrangement, and the original structure (prior to damage caused by the Fire Service) included no set back. The extension (like all extensions) will of course impact to a negligible degree on openness, but that is not a test of the NPPF, which allows for proportionate extensions such as this in the Green Belt.



It is relevant to consider the visibility of the side extension and which parties could possibly perceive a lack of set back. The property can of course be seen up close from its immediate curtilage, but that is an entirely private viewpoint, and we have explained that – following the proposed reconstructed stonework and the complete concealing of the ‘join’ – the external appearance will be attractive and in character. We have also explained that, before the fire service damage occurred, the building sat flush with the main frontage (with no set back) and that the upper part of the proposal is little more than 1.0 metre above what previously existed.

Public views of the side extension are **very limited**, at considerable distance (ranging from 60 – 100 metres depending on the viewpoint), and restricted by the steeply sloping land that drops to the north and west. It is fair to say that, when viewed from most public locations, the extension will be close to imperceptible.

The Inspector will observe this when he/she visits the site, but the aerial image below marks the ‘zone of vision’ from where distant views of the side extension are visible from the public highway. This equates to a stretch of road of just 80 metres. The extension cannot be perceived from elsewhere (except of course the private up close view).





We have noted that a single objection was submitted to the application. It is not helpful that the original of that objection is unknown, but it states:

*“When looking from my back garden, this property is the main feature on view due to its location on the peak of the hill it sits on.”*

We are aware that the owner Windacre Pre-School and the adjacent house (on Mather Road) has no objections to, or concerns about, the proposal. We know that because we have met the owner prior to lodging this appeal and he has told us so. In which case, the only other ‘back gardens’ with a view towards the appeal site are the houses on the south side of Avon Drive (to the north). But those houses are circa 300 metre distance, and – unless peering through a pair of binoculars – we venture it would be close to impossible to perceive or ‘appreciate’ a small set back to the extension. It would appear no different from that distance.





We accept that lack of visibility from the public domain is not an excuse for poor quality design, but this is not poor or unacceptable design quality, and we suggest that it is a material consideration that the front part of the side extension (without a set back) will be barely perceivable from the overwhelming majority of the public domain, and - even then - the distance is considerable. A more detailed assessment of viewpoints is provided at *Annex B*.

In overall conclusion, having regard to the above assessment, it is the Appellant's case that there is no conflict with any of the Development Plan policies cited in the RfR.

Nor we suggest is there any conflict with the NPPF. We have assessed the proposal against the Framework's policies on Green Belt (bearing in mind that the development plan policies are partly out of date in that they do not fully reflect the Framework) and we have found that the proposal is an appropriate / proportionate form of development.

The NPPF explains that achieving 'sustainable development' means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 10 states that, at the heart of the Framework, is a presumption in favour of sustainable development, while paragraph 11 states that LPAs should apply this presumption. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - 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.

Bury's UDP was adopted as far back as August 1997 – over a quarter of a century ago. Its housing figures are grossly out of date, and other policies – including those in respect of Green Belt – are out of kilter with the NPPF. The Plan is therefore – at least in part – out of date.

The Council is currently working to replace the UDP with a new Local Plan. That is associated with progress on what was to be the Greater Manchester Spatial Framework (now referred to as 'Places for People'), which is approaching adoption. That document is proposing the release of sizeable areas of Green Belt in order that Bury will be able to meet its future needs.



The NPPF confirms that there are three core strands / roles relating to sustainable development: ***economic, social and environmental***.

In terms of its ***economic*** role, the proposal will assist – in small, but positive manner - in supporting sustainable economic growth, through the provision of a better quality home.

The application scheme will draw upon local labour for the construction of the adapted extension. Some of those jobs will be located on the site itself, whilst others will be based in the wider Bury area.

On the above basis, this scheme will deliver small economic benefits to Bury. Those might be very modest in overall terms (bearing in mind the very small scale of the proposal), but those are nevertheless real and positive economic benefits.

***Socially***, the proposal will address the need for more good / better quality housing in Bury. It will not create new housing per se, but it will create a better and more spacious home tailored to the specific needs of the likely occupier.

In considering ***environmental*** benefits, during the formulation of the scheme design and layout, due regard was been paid to the LPA's original pre-application advice, the site's context and appearance, and the policies in place that emphasise the need to deliver good quality architecture and design.

The proposed side extension replaces a former outrigger of questionable quality, constructed in part in asbestos sheeting and breeze block, with a clumsy roof (see photograph 6 at *Annex A*). While the scale of the side extension has increased, its width is identical to the previous outrigger, its footprint is the same, and its design quality and respect for the host building represents an improvement over and above what was previously in place.

The intention is that the extended home will contribute to local character, reflecting local distinctiveness and materials. In these regards, the proposal has been designed to reflect and respond well to the setting and context, and presents an appropriate, proportionate, thoughtful and respectful design solution in terms of its detailing, height, scale, siting and massing, having been formulated in direct and positive response to the LPA's pre-application comments.

Overall, therefore, we contend that the proposal represents sustainable development, which will contribute ***economically, socially and environmentally***. Again, those benefits may be very small, but this is a project of very small scale, and they are benefits nonetheless.

The application is also consistent with the remainder of the NPPF.

The proposed development will help to deliver the housing objectives set out in the NPPF, which confirms that a key aim of the Government is to ensure that everybody has the



opportunity of living in a decent home, which they can afford, in a community where they want to live, and at a time when Bury cannot demonstrate a sufficient supply of housing.

The NPPF also promotes good design, and suggests this is fundamental to the creation of sustainable, mixed communities. It encourages developers to make effective and efficient use of land and infrastructure, which is achieved in this case.

There is no conflict with §104. Transport / access issues have been carefully considered. This is a reasonably accessible urban location, and the application was not refused on traffic or access grounds.

In respect of 'Making Efficient Use of Land and Achieving Appropriate Densities', the scheme has been formulated with regard to the requirement at §119 states that promotes the effective use of land, while balanced against the safeguarding of the environment.

The application responds to §124 by taking into account the need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing a well-designed, attractive and healthy place.

Under the heading 'Achieving Well Designed Places', §126 seeks the creation of high quality, beautiful and sustainable buildings and places, and suggests that this is fundamental to what the planning and development process should achieve. It 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. The proposal seeks to respond to this.

The scheme also responds positively to §130, which looks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting. In this regard, we note that the NPPF does not seek to prevent or discourage 'appropriate innovation or change'.

The application is consistent with §159, which states that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The application site falls within Flood Zone 1 and is not susceptible to flooding.

In respect of 'Conserving and Enhancing the Natural Environment', the application is consistent with §174, which requires proposals to contribute to and enhance the natural and local environment. The site is not a 'valued landscape' in NPPF terms. Nor is it a site of particular biodiversity or geological value. The submitted bat report confirms that no bats are present, and the Appellant would welcome a condition requiring the inclusion of bat and bird boxes on the property.



In considering 'Ground Conditions and Pollution', there is no conflict with §183 or §185 of the Framework. The land is not contaminated and there are no risks arising from land instability.

Having regard to the above assessment, this application is consistent with all of the Framework's key policy aims and objectives. That lends further support to approval of the appeal.

### **APPEAL DOCUMENTATION**

The appeal paperwork comprises :

- Appeal form; and
- This letter as the Appellant's Grounds of Appeal
- Appeal decision APP/T4210/W/21/328

### **DOCUMENTS SUBMITTED WITH THE PLANNING APPLICATION :**

The planning application comprised :

- Application form
- Volume calculations sheet submitted on 27th February 2023, confirming that – taking into consideration all previous works and those proposed – the proposal would result in a global volumetric increase of 31.66% over and above the original building. That compares to the 28.95% increase in volume of the approved scheme that incorporates the first floor 'set back'.
- Bat Survey Report (Envirotech)
- Land Insight Plan
- Stonework Method Statement
- The following drawings :
  - Site Location Plan
  - Site Plan (Existing)
  - Ref: 1A – Existing Elevations\*
  - Ref: 2 – Existing Ground Floor Plan\*
  - Ref: 3 – Existing First Floor Plan\*



- Ref: 4F – Proposed Elevations
- Ref: 5D – Proposed Ground Floor Plan
- Ref: 6C – Proposed First Floor Plan

\*nb - drawings marked with asterisk labelled 'existing' relate to the property before any of the unauthorised works were carried out

The above (and enclosed) is the Appellant's case when read alongside the application documentation.

We look forward to receiving confirmation of receipt and validation of the appeal, and if PINS requires any further information from the Appellant, please do not hesitate to contact Richard Gee at the above offices.

Yours faithfully  
for Roman Summer Associates Ltd

A handwritten signature in black ink that reads "Richard Gee".

Richard Gee  
Director



## ANNEX A – HISTORIC PHOTOGRAPHS



Photo 2 1968



Photo 3 1979



Photo 4 2010



Photo 5 2017

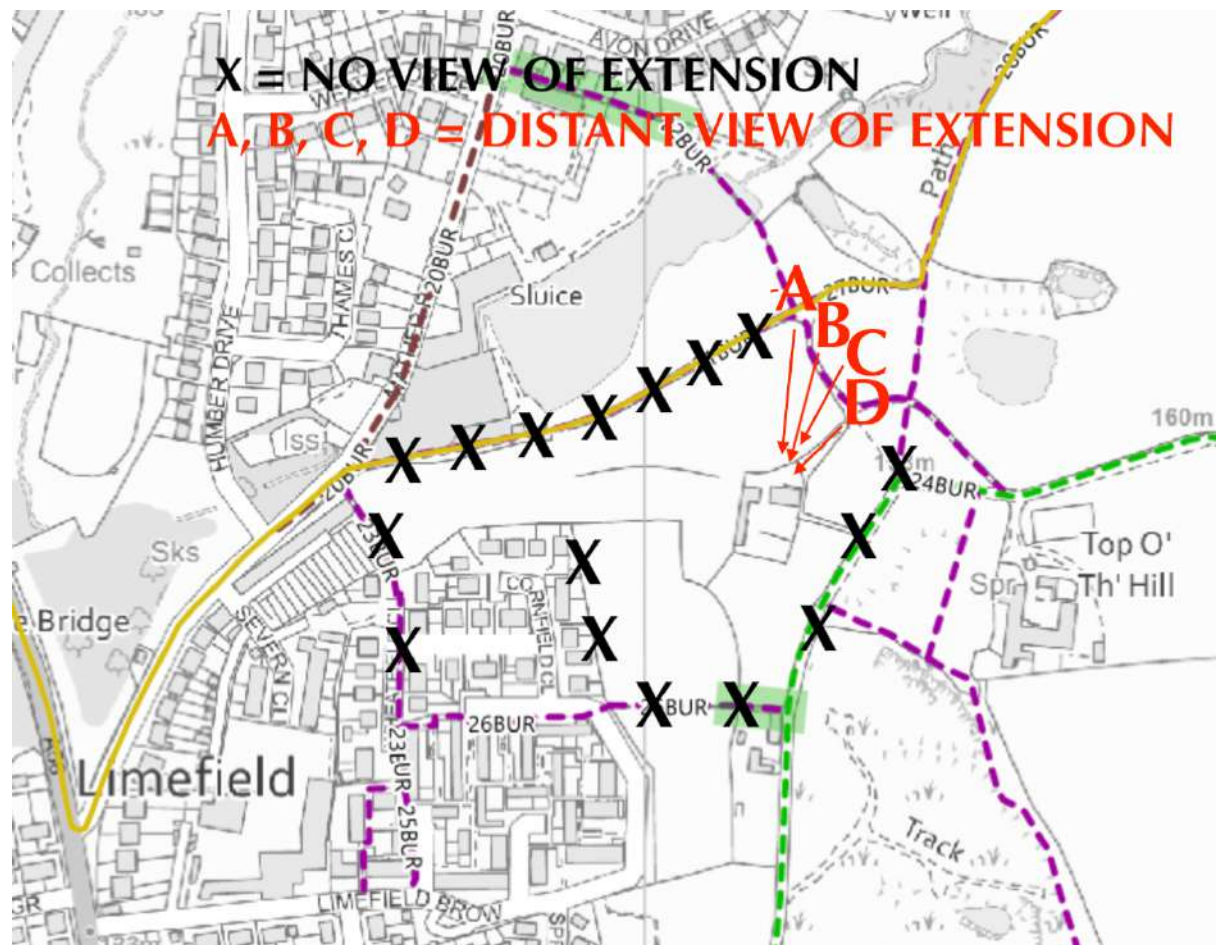


Photo 6 2019



## ANNEX B

### VISUAL ASSESSMENT



-  Bridleway
-  Byway (BOAT)
-  Footpath







