
Appeal Decision

Site visit made on 23 March 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2021

Appeal Ref: APP/T4210/D/20/3264665
159 Radcliffe Road, Bury BL9 9LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Amran Asghar against the decision of Bury Metropolitan Borough Council.
 - The application Ref 65867, dated 21 August 2020, was refused by notice dated 11 November 2020.
 - The development proposed is described as: "two storey side, rear and front porch extension, to form additional living space".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision was based on a revised drawing which included a slight change to the width of the two storey extension and the addition of annotations relating to its construction. I have considered the appeal on the basis of the revised drawing¹, consistent with the Council's decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

Reasons

4. The appeal relates to a semi-detached house on the corner of Radcliffe Road and Lilac Avenue. The Council's Supplementary Planning Document 6: Alterations and Extensions to Residential Properties (the SPD) advises that on corner plots extensions will normally be required to leave a minimum of 2m from the boundary with the highway to the side, but that a lesser setback may be acceptable where the prevailing pattern of development in the locality is typified by relatively shallow frontages.
5. The site is part of a street scene of detached and semi-detached houses on the southern side of Radcliffe Road which are of a similar age and share common architectural details such as hipped roofs and gable-topped bay windows. Those which are on corner plots, such as the appeal site, are positioned quite close to their side boundaries. However, even where those corner properties

¹ Proposed Floor Plans and Elevations drawing reference: IPS/R/159/BL99LN SHT 2 of 2 Revision A.

have had two storey side extensions added, those extensions have still been set in from their side boundaries to some degree. A sense of space around those buildings and of separation and distinction between them and the footways alongside them is thus preserved.

6. 161 Radcliffe Road, on the other side of the Lilac Avenue junction, is one such plot and has maintained a gap and a sense of separation to its side boundary despite two storey extensions to the side and rear. Indeed, in allowing the appeal for those extensions at No 161², the Inspector specifically noted that they 'would retain space a little under 1m in width to the boundary fence at the back edge of the footway, and would not be overbearing'.
7. However, the side of the two storey extension proposed in this case would be located almost on the edge of the Lilac Avenue footway. Due to its height and depth it would have a significant scale and massing, projecting alongside that adjacent footway for some distance. In contrast to the two storey extensions at No 161 and on other corner plots nearby, the setback distance between its side elevation and the edge of the adjacent footway would be negligible and insufficient to preserve any sense of space to the side of the building or of separation or distinction between it and the boundary or adjacent footway.
8. The extended appeal building would thus appear uncomfortably cramped within the site and would be discordant and unduly dominant in the street scene and its wider surroundings, even in the context of the relatively shallow frontages of other extended corner plots nearby. That harm would not be mitigated by the use of matching materials or sympathetic detailing as proposed.
9. During my visit I observed that a house on the corner of Radcliffe Road and Vale Avenue has a side extension which projects almost to the edge of the footway to the side. From the limited information before me, I cannot be certain of the circumstances in which that extension was constructed. Nonetheless, that existing extension is single storey and the first floor of its host building thus remains set back from the adjacent footway. Its appearance and effect on its wider surroundings are therefore not directly comparable to the larger two storey extension before me which, in any event, I have considered on its own planning merits.
10. I conclude that the proposed development would have an adverse effect on the character and appearance of the appeal site and its surroundings. It would therefore conflict with Policy H2/3 of the Bury Unitary Development Plan, which requires applications for house extensions to be considered with regard to the character of the property in question and the surrounding area. It would also conflict with the aims of the SPD insofar as it seeks to ensure that domestic extensions do not have a detrimental impact on the character or appearance of the street scene.

Other Matters

11. I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.

² Appeal reference: APP/T4210/D/10/2125576

12. I have also had regard to the section of the SPD entitled Ethnic Considerations, which sets out that where there are special needs for family living circumstances consideration shall be given to the relaxation of guidance in the SPD where it can be clearly demonstrated that there will be no direct harm to the principles outlined in Chapter 2. Those principles refer, amongst other things, to applications for house extensions being considered with regard to the character of the property and the surrounding area.
13. The proposed extensions would provide additional accommodation for the appellant's family, and I have noted the submissions regarding the family's personal circumstances. However, for the reasons given I find that the development would cause harm to the character of the property and the surrounding area, and thus to the principles in the SPD. I have been advised that reducing the width of the extension would make most of the rooms within it unusable. However, I have not been presented with detailed evidence to demonstrate that the proposed development would be the only means of meeting the needs identified. Furthermore, the development proposed would be permanent and would remain indefinitely regardless of the needs of the initial occupiers. Therefore, whilst I have regard to this matter as a benefit in favour of the proposal, the weight I attach to it is limited.
14. The revised drawing which formed the basis of the Council's decision was not the subject of publicity during the course of the application. However, as I have found the proposal unacceptable despite the amendments made, I am satisfied that no party would be prejudiced by my having based my decision on the revised drawing in this case.

Conclusion

15. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. Other material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Jillian Rann
INSPECTOR