

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr R Anwar
RA Design & Project Management Ltd
Suite 4
The White House
42-44 Chorley New Road
Bolton, Lancashire
BL1 4AP

On Behalf Of:

Mr Mohsen Rodfar
12 Owlerbarrow Road
Bury
BL8 1RD

PART 1 - Particulars of Application

Application Number: 69063

Date of Registration: 09/11/2022

Proposal:

Erection of dwelling in rear garden with shared access including all associated works; Garage extension and porch to existing house

Location:

12 Owlerbarrow Road, Bury, BL8 1RD

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, by virtue of the position of the dwelling to the rear of no. 12 Owlerbarrow Road with no street frontage and accessed by a shared drive routed between neighbouring linear related dwellings, would constitute an incongruous and inharmonious form and layout of development that would be unsympathetic to the established arrangement of streets, buildings and spaces. The proposed development therefore conflicts with policies EN1, EN1/2 and H2/1, H2/2 and H2/6 of the Bury Unitary Development Plan and Section 12 of the National Planning Policy Framework.
- 2 The design of the proposed dwelling, due to its form and detailed design features would fail to assimilate with the existing suburban grain and would represent a mawkish and unsympathetic feature that would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with policies EN1, EN1/2 and H2/1, H2/2 and H2/6 of the Bury Unitary Development Plan and Section 12 of the National Planning Policy Framework.
- 3 The proposed extension, due to its forward projection, height and form would disrupt the established pattern of development and would be out of character with

the surrounding street scene, and would therefore be detrimental to the visual amenities of the area. The proposed development would therefore conflict with Policy H2/3 of the Bury Unitary Development Plan and associated Supplementary Planning Document 6.

- 4 The proposal would result in an intensification of use of a site with inadequate access arrangements, which is likely to lead to conflicts between vehicles entering and leaving the site access where visibility is restricted and traffic at the junction of the unadopted shared access with Owlbarrow Road, which would be detrimental to highway safety and maintaining the free flow of traffic on the adjacent highway, contrary to policies H2/1, EN1/2 and HT6/1 of the Bury Unitary Development Plan.
- 5 The proposed access and passing place arrangements and turning facilities at the proposed garage extension and new dwelling would be sub-standard and are inadequately detailed, and are likely to lead to vehicles parking and carrying out manoeuvres on the adjacent site access, shared access and adopted highway at Owlbarrow Road and would not provide suitable accommodation for vehicles to enter and leave the site in a forward gear. The proposal would therefore be detrimental to the free flow of traffic and road safety, contrary to policies H2/1, EN1/2 and HT6/1 of the Bury Unitary Development Plan.
- 6 The application and submitted plans contain insufficient detailed information to enable the physical impact of the proposed development and its surface water drainage arrangements on the adjacent Public Right of Way No. 144, Bury to be properly assessed. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 and H2/2.
- 7 The application and submitted plans contain insufficient information to ensure that the development could be accessed appropriately from the existing limits of the adopted highway. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 and H2/2 The Layout of New Residential Development.

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:

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| H1/2 | H1/2 - Further Housing Development |
| H2 | H2 - Housing Environment and Design |
| 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 | EN1 - Built Environment |
| EN1/1 | EN1/1 - Visual Amenity |
| EN1/2 | EN1/2 - Townscape and Built Design |
| EN1/3 | EN1/3 - Landscaping Provision |
| EN4/2 | EN4/2 - Energy Efficiency |

EN5/1	EN5/1 - New Development and Flood Risk
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
EN8	EN8 - Woodland and Trees
EN8/2	EN8/2 - Woodland and Tree Planting
HT2	HT2 - Highway Network
HT2/4	HT2/4 - Car Parking and New Development
HT4	HT4 - New Development
HT6	HT6 - Pedestrians and Cyclists
HT6/1	HT6/1 - Pedestrian and Cyclist Movement
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:

Location Plan, existing Block Plan and proposed Site Plan (Dwg No. RAD/2503/21/1/RevB)

Location Plan, existing Block Plan and Site Plan (Dwg No. RAD/2559/21/4)

Proposed Driveway Layout (Dwg No. 01/PL/D3)

Proposed Elevations - Existing Dwelling (Dwg No. RAD/2559/21/2/Rev.A)

Existing and Proposed Floor Plans - Existing Dwelling (Dwg No. RA/2559/21/3/Rev.B)

Proposed Floor Plans - New Dwelling (Dwg No. RAD/2503/21/2/Rev.B)

Proposed Elevations - New Dwelling (Dwg No. RAD/2503/21/3/Rev.C)

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'Paul Harris', written in a cursive style.

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On behalf of the Council

Date of Decision: 29/11/2023