



Appeal Decision

Site visit made on 2 July 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2024

Appeal Ref: APP/T4210/W/24/3338881

Detached storage unit, Green St, Bury BL8 1TF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr P Sanghani against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 70120.
 - The development proposed is change of use from storage unit to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 21 March 2024, after the appeal was submitted, the Council adopted the Places for Everyone Joint Development Plan Document (PfE) as part of its Development Plan. The Council have referenced the updated policies of the PfE in its statement, which the appellant has had an opportunity to comment on.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - whether acceptable living conditions would be provided for future occupiers of the development with regard to amenity space and outlook,
 - the effect of the proposal on highway safety,
 - whether acceptable living conditions would be provided for neighbouring occupiers with regard to access.

Reasons

Character and appearance

4. The proposal relates to an existing storage unit and is a single storey, flat roofed building, accessed off Green Street via an access track. It lies to the rear of an existing dwelling and abuts the rear boundaries of dwellings on Tottington Road and Lomond Drive. The area is predominantly residential although there is some commercial development along Green Street. The surrounding buildings are two-storey terraced, semi-detached or detached dwellings of a similar height and massing each with a frontage to the surrounding streets. The existing building is unassuming and, due to recent development in its foreground, it has limited presence within its surroundings.

5. The appeal scheme is for a change of use of the building to a one-bedroom dwelling with amenity space to the front along with close boarded timber fencing to enclose the space and bin store.
6. The use of the single storey storage unit as a dwelling and the introduction of the space and associated enclosures would fundamentally change its character. This would fail to reflect the predominant scale and mass of surrounding dwellings or their plot sizes. In addition, it would not have a street frontage due to the buildings position to the rear of the plot so it would not reflect the character of the area and would create an incongruous and inharmonious form of development.
7. I conclude that the proposal would harm the character and appearance of the area. It would conflict with Policies EN1/2, H2/1, H2/2, H2/4 and H2/6 of the Bury Unitary Development Plan (UDP) and Policy JP-H4 of the PfE which together amongst other matters seek to ensure that development makes a positive contribution to the quality of the surrounding area and is at a density appropriate to the location. It would also conflict with guidance in the National Planning Policy Framework (the Framework) which has similar aims.

Living conditions for future occupiers

8. The close boarded fence would be approximately 2 metres high and would be in close proximity to the front of the building, in particular to the bedroom window. According to the submitted plans this would be the only window serving the bedroom as the windows currently on the side elevation are not shown on the proposed elevation. This would limit the outlook from this room creating an enclosed and oppressive environment limiting the occupier's enjoyment of the room.
9. Whilst all the land proposed for outdoor amenity space appears to be within the appellant's ownership, as shown by the blue line, a sizeable portion of the space adjacent to the bathroom of the dwelling and the proposed fence line would fall outside of the site edged red on the site plan. This is unusual and the lines should normally be the same. However, this is not a matter that can be addressed through the appeal process. The proposed space would, nonetheless, be small and enclosed by the fencing, so future occupiers would experience it as an oppressive space with limited outlook. While some surrounding houses have outlook onto gardens of a similar size to the proposal, these have dual aspects toward the streets, including from first floor rooms, so are not comparable with the proposal.
10. I conclude that the proposal would not provide acceptable living conditions for future occupiers of the development with regard to amenity space and outlook. It would conflict with Policies H1/2, H2/1, H2/2 of the UDP and Policy JP-P1 of the PfE which together amongst other matters seek to ensure that development has a positive impact on residential amenity and is functional and convenient. It would also conflict with guidance in Supplementary Planning Document 6 Alterations and Extensions to Residential Properties and the Framework which have similar aims.

Highway safety

11. The proposal would be accessed via an existing track from Green Street which would have been the access to the storage unit when it was in use, although

this does not appear to have been used for some time. The level of use of the track would be similar for a single dwelling as for the storage unit. Although one parking space would be provided there would be insufficient space for turning facilities to enable the vehicle to exit the site in a forward direction due to the addition of the proposed fencing to enclose the outdoor amenity space. In addition, there is no evidence to show that appropriate visibility onto Green Street can be provided. Therefore, I cannot be certain that traffic would be able to safely join the highway in a forward direction, particularly as there may be pedestrians accessing the nearby dwellings using the footpaths.

12. I conclude that the proposal would harm highway safety. It would conflict with Policies H2/4, EN1/2, H2/2 and HT6/2 of the UDP which together amongst other matters seek to ensure that development seeks to reduce pedestrian and vehicular conflict and has acceptable standards of access for vehicles.

Living conditions of neighbouring occupiers

13. There is a high fence to the rear of the dwellings on Tottington Road to separate the access track from the dwellings to enable safe passage to them. An additional fence has been constructed between the access road and the side of 2c Green Street. The full extent of the existing fences is not shown on the plans. As the dwellings on Tottington Road front directly onto the footpath, rear access is necessary for refuse collection. However, details of a scheme to maintain the rear access to the residential properties on Tottington Road, including for any boundary enclosures, could be subject to a condition as the land necessary to achieve this is within the site edged red.
14. I conclude that the proposal would provide acceptable living conditions for neighbouring occupiers with regard to access. Hence, in this respect, it would comply with Policies H2/4, EN1/2, H2/2 and HT6/2 of the UDP which together amongst other matters seek to ensure that development does not impact on neighbouring properties and has suitable access arrangements.

Other Matters

15. Policy JP-H3 of the PfE requires that new dwellings comply with the Nationally Described Space Standards¹. Were the proposal otherwise acceptable I would need to have considered this matter further and sought the views of the parties regarding this matter. However, as I have found the proposal would be unacceptable for other reasons, there would be no beneficial outcome from addressing this matter further in this case.

Planning Balance

16. With the adoption of the PfE, the Council's position in relation to its housing land supply has changed and it is able to demonstrate 5-years supply of deliverable housing land. Nevertheless, the Council has a poor record of housing delivery, which is reflected in the Housing Delivery Test result. This requires the application of Framework paragraph 11(d).
17. The proposed development would create an additional dwelling adding to the Council's housing stock supporting the Government's objective of boosting the supply of homes. The site is also situated in an accessible location in an urban area outside of the Green Belt. However, given the magnitude of the proposal,

¹ [Technical housing standards – nationally described space standard - GOV.UK \(www.gov.uk\)](https://www.gov.uk/technical-housing-standards)

cumulatively these benefits would only be of moderate weight. The proposal would also not be harmful to the living conditions of neighbouring occupiers, which would neither weigh in favour nor against the proposal. In terms of harm, the appeal proposal would result in significant conflict with the development plan in relation to harm to highway safety, the character and appearance of the area, and through inadequate living conditions for future occupiers. Consequently, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

18. Whilst I have not found harm to the living conditions of neighbouring occupiers, I have identified harm to the character and appearance of the area, living conditions for future occupiers and to highway safety. Therefore, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Senior

INSPECTOR