

Appeal against Bury Council

Refusal of Planning Application reference: 69055

Date of registration: 28/11/2022

509 Bury Old Road

Prestwich

M25 3DE

Proposed two storey front extension and single storey
side extension

Appellant: Jessica Blakesley & Charlie Ryan

Date: 6th April 2023

Introduction

I am acting on behalf of myself and my husband, Charlie Ryan, to submit an appeal against the decision of the local planning authority at Bury Council to refuse planning consent for the proposal submitted on 28/11/2022.

The proposal was submitted by architect, Mr Gary Walker, who was acting on our behalf and we took on his professional advice when the proposal was submitted.

This appeal is within the prescribed time limits. The rejection was issued on 13/01/23 and 12 weeks from that date would be 07/04/23.

This appeal sets out our reasoning and rationale against the decision made by the local planning authority with detail and should be read in conjunction with all referenced policies and plans.

The site of the proposed extension

509 Bury Old Road is a semi-detached house on a main road in a residential area. It is in a unique position as it is set back from the road and on an incline. It is surrounded by trees and only partially visible from certain angles on the road. It has a garden to the rear and a large garden to the front of the house. Street parking is available at the side on Poppythorn Lane.

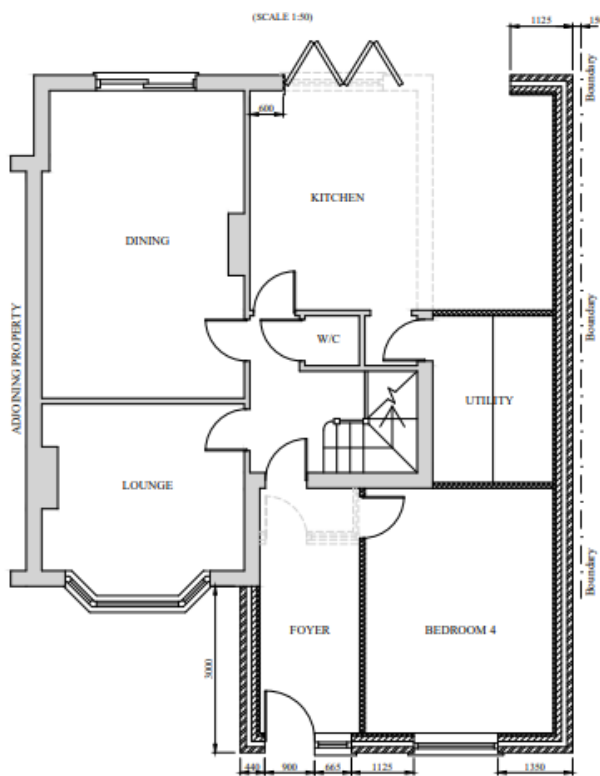
The Google Maps street view shown in the image below is dated April 2021.



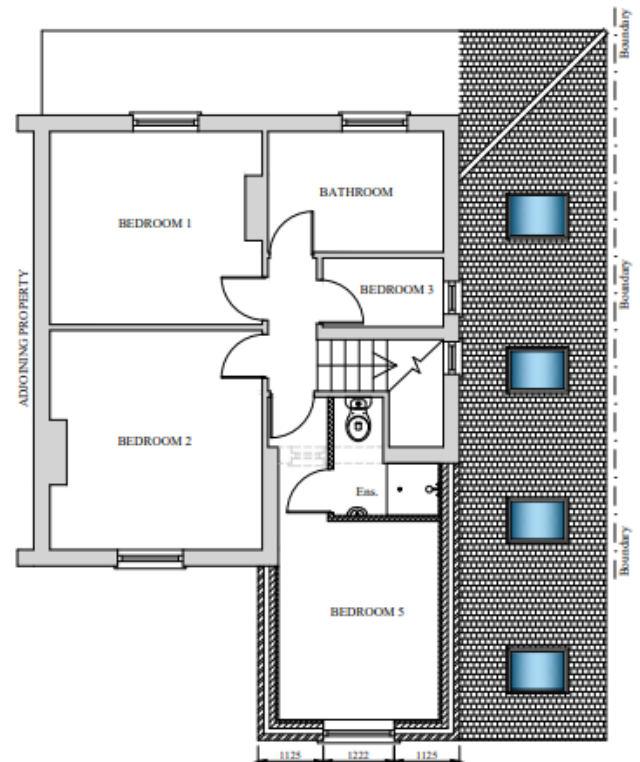
The Proposed Development

Planning permission was sought from Bury Council and the proposal was for a two-storey front extension and single storey side extension. The two-storey front extension would come out 3 metres from the original dwelling.

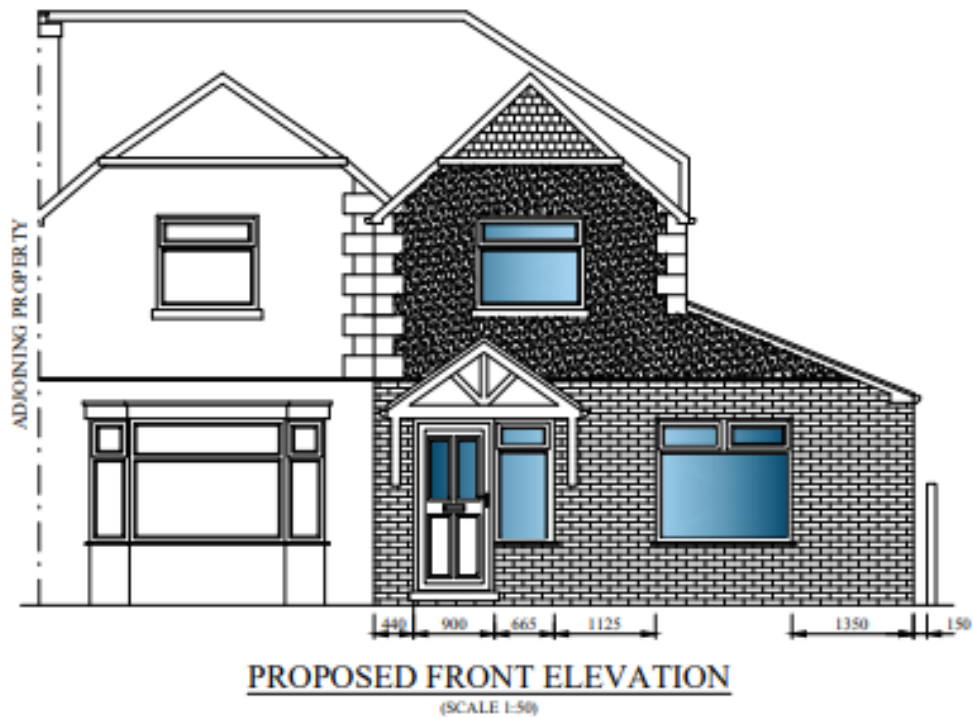
The ground floor extension proposal comprised of a kitchen/dining area, a utility room and a downstairs bedroom. The first floor extension proposal comprised of a bedroom with ensuite.



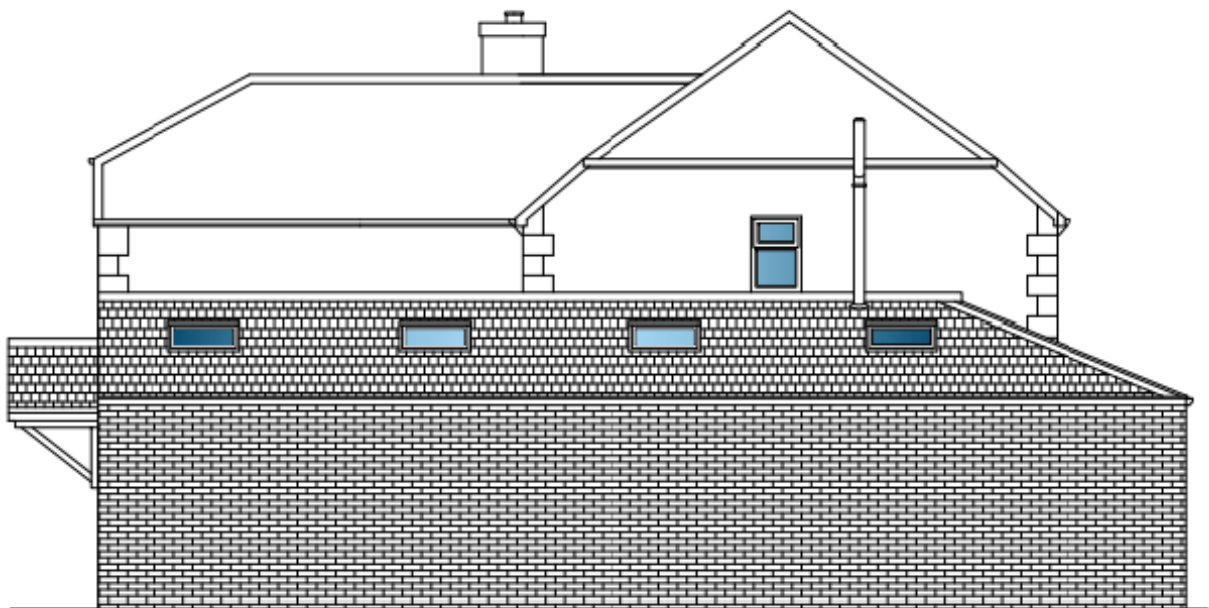
PROPOSED GROUND FLOOR LAYOUT
(SCALE 1:50)



PROPOSED FIRST FLOOR LAYOUT
(SCALE 1:50)



Reasons for Refusal



PROPOSED RIGHT SIDE ELEVATION
(SCALE 1:50)

On 13/01/23 the local planning authority sent back the decision to refuse the proposed development. Reasons cited were:

1. The proposed two storey front extension would by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would

therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:

H2/3 – Alterations and Extensions and associated Supplementary Planning
Document 6: Alterations and Extensions to Residential Properties

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.

Bury Council Policies

H2/3 & SPD6:

Section 2.1 This policy is concerned with ensuring that extensions and alterations to residential properties are of a high standard. Extensions and alterations to dwellings, including garden extensions and garages, can be visually intrusive; restrict daylight, privacy

and outlook to neighbouring properties; and unacceptably reduce the available garden area. For all these reasons it is necessary to adopt standards to control the design, form and size of proposed extensions and alterations to ensure that they are sympathetic in nature with the original building and surrounding area. The Council will issue more specific guidance on these matters as necessary.

Section 3.1

A frequent problem with domestic extensions is when incompatible designs and materials are applied to a proposal, resulting in a poor relationship with the original building or street scene. Therefore, any application for a domestic extension will not normally be permitted unless the proposal:

- ♣ Achieves a high standard of design and complements the original building by reflecting its design, massing, scale and finishing materials. Specific features, such as doors, windows and roof style and eaves, should particularly reflect the dwellings original shape, size, alignment and architectural integrity;
- ♣ does not have a detrimental impact on the character and appearance of neighbouring properties and general streetscene through poor design, siting or excessive bulk;
- ♣ does not significantly reduce the amount of daylight or sunlight enjoyed by neighbouring properties;
- ♣ does not reduce privacy through direct overlooking from windows, balconies or areas of raised decking;
- ♣ does not significantly reduce the amount of usable amenity space for the property or adjacent property to an unacceptable degree;
- ♣ has regard to the visibility of pedestrians, cyclists and drivers of vehicles;
- ♣ respects significant or prominent trees or other natural landscape features. Applicants should be aware that trees may be covered by a Tree Preservation Order or be within a Conservation Area and that the felling or lopping of such trees without the consent of the Local Authority is an offence;
- ♣ has reasonable regard to safety and security, including helping to design out crime; ♣ has regard to the adequate storage of refuse within the site;
- and ♣ has regard to energy efficiency and sustainability.

Section 4.4 Generally, there will be a presumption against large extensions at the front of properties due to the need to protect the character of the street scene. However, a small extension or porch may be acceptable and will be considered against the general advice in Chapter 3 and the following specific criteria:

- ♣ proposals should reflect the design and proportion of the original dwelling;
- ♣ proposals should respect original architectural features such as bay windows and match the existing finishing materials;
- ♣ pitched roofs will be required where appropriate;
- ♣ extensions will not be permitted if they project excessively from the original front wall;

♣ extensions will not be permitted if they interfere with the proper parking and access arrangements at the property;

and ♣ consideration of the prevalence of street design.

National Policies

National Planning Policy Framework, Section 38: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Rationale for Appeal

The main issue cited in the rejection is regarding the front extension due to its 'size, position and design' and that it contravenes Bury's policies. However, this appeal intends to argue that the proposal does fit in with these policies for a number of reasons.

This appeal would accept that amendments may need to be made to the proposal and the appellants would be willing to work with Bury Council on these.

Policy H2/3 Section 2.1 sets out general reasoning as to why limits and controls are placed on extensions and alterations to residential properties.

1. Visually intrusive; the proposed development for 509 Bury Old Road would not be visually intrusive as we have limited neighbours and are set back from the main road. The extension is proposed to be on the side of the house furthest away from the occupants at 507 Bury Old Road. Trees cover the front and side of the garden which means that it will not impact on any other neighbours. There is a block of flats at 511 Bury Old Road but this is across a small road with tree coverage.
2. Restrict daylight; as detailed in point 1, this proposal will not reduce daylight due to its location and the site positioning. The position of the sun is round the back of the house for most of the day. Therefore, the front extension will not impact this.
3. Restrict privacy; The two storey element of the extension is at the front and not at the side so it will not impact the privacy of 507 Bury Old Road or the flats. Minimum distances have been respected and are not cited as reasons for refusal.
4. Reduce the available garden area; the site has a large front garden and a back garden and so there will still be plenty of green space.

Section 3 is general guidance for all extensions and talks about the design and materials to be used.

1. A high standard of design which compliments the original building; care was taken by the architect, Mr Walker, to pitch the roof in line with the original design and to keep the character of the house the same.
2. Does not have a detrimental impact on the street scene through poor design, siting or excessive bulk; Bury Old Road is a varied street with numerous different styles of housing, and a block of flats next door. Therefore, the street scene is of a varied nature. There is a precedent for extensions, including front extensions, on the street itself and in the locality of the area. This will be discussed in further detail later in this appeal.

Section 4.4 specifically deals with front extensions and say they will be considered against the general advice in chapter 3 (discussed above). This states that 'Generally, there will be a presumption against large extensions at the front of properties due to the need to protect the character of the street scene..... extensions will not be permitted if they project excessively from the original front wall'.

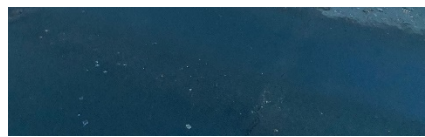
Presumption against indicates that this is subjective and, in some cases, acceptable. There is no definition as to what 'project excessively' means and no further guidance. As stated, care has been taken to ensure that the proposal compliments the original house design and has no detrimental impact on the street scene and this appeal takes issue with the rejection

on that basis. These rules are in place to protect privacy and other things in Section 3 but as discussed above, these are not applicable to our location.



As seen in the below imagery, there are numerous front extensions on the street and in the local area which indicates that some front extensions are suitable and have been approved by the local planning authority.

These are just across the road from our house on Bury Old Road:



These are all short walking distance in local area:



in the



As seen above, on Bury Old Road across from our address, all the housing looks different and there are forms of extensions to the front and side which has

changed the street scene and the style of housing.

In the local area, there are front extensions which are recent developments and evidence that some forms of front and side extensions are acceptable and have been approved by the local authority.

There is no explanation as to how the proposal doesn't improve the economic, social and environmental conditions of the area. This is just stated with no justification. We have consulted with estate agents who agree that the extension would improve the value of the house. There is a lot of development in the local area with numerous houses going through renovation and building works. Therefore, this extension would fit in line with those and would improve the economic, social and environment conditions of the area. It is a single

storey side extension and a two-storey front extension in a residential area. The property has a large garden and so will still have a large green space with the extension. There are no habitats or any other issues which might be relevant. If ours were to be rejected on this basis, then it would lead to the question of how any planning applications can be approved.

National Planning Policy Framework, Section 38 has been cited but has not been done. No positivity or creative working has been considered and no work has been done with ourselves to work proactively, despite contact from our architect, Mr Walker, requesting this. On 03/02/23 he contacted the local planning office asking to be put in touch with the case worker to see what changes/improvements can be done to achieve approval, but he was just directed to the Bury Council policies SPD 6 and a link to pre-application advice. As our application was already submitted and rejected, this was unhelpful.

Our neighbours mentioned receiving a letter about the proposed plans and there is nothing in the rejection to suggest that there were any objections to the development.

This is our final option to extend our home and continue to live there once we start a family, as it is simply not big enough otherwise. We have looked at the option of extending at the back, and alternatively at the side, but both options did not fit the Bury Council guidelines. Therefore, we submitted the proposed application as that fits in with Bury's own guidelines and seemed suitable.

We love the area where we live and want to continue to stay there as we have employment, family and friends there. However, without an extension this would not be possible due to the sky rocketing prices in the Prestwich area.

Our current house has two bedrooms and a very small third that would not fit a bed in. We proposed a two-storey extension as our main goal is to create more bedrooms for a future family.

Summary

In conclusion, the refusal of planning permission is generic, vague and doesn't fully explain why the proposal is unsuitable and no amendments would be considered. Policies H2/3 and Supplementary Planning Document 6 were cited but as detailed above, our unique site

location and development proposed means that nothing is contravened and it appears to fit within the local planning authorities own policies.

As evidenced in the above imagery, there is precedent for similar developments in the local area and on our own street as there are front extensions. Some of these even include drastic changes to the housing style.

The National Planning Policy Framework (NPPF) states in paragraph 10 to ensure that “sustainable development is pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development”. The proposal comprises sustainable development when considered against guidance in the NPPF. The framework advises that developments should respond to local character and history and reflect the identity of local surroundings and materials, whilst not discouraging appropriate innovations.

This appeal would like the inquiry to uphold the appeal and allow the planning permission to be granted in its current state. However, this appeal would be willing to work with Bury Council on suitable amendments for the permission to be granted, if that were to be required.