



Appeal Decision

Site visit made on 23 July 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/T4210/W/19/3224408

19 Cobden Street, Radcliffe, Manchester M26 4HR

- 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 Chris Jenkins of The Great Northern Property Company Limited against the decision of Bury Metropolitan Borough Council.
 - The application Ref 63156, dated 17 September 2018, was refused by notice dated 8 November 2018.
 - The development proposed is the conversion of existing community centre/club to form two new dwellings, including alterations to fenestration and new pitched roof.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address on the application form is different from that on the appeal form and decision notice. I have taken the address from the latter two as this is consistent with the site address on the submitted plans. This has previously been agreed by the main parties.
3. The appellant says that the appeal should be considered in respect of two sets of amended plans that they submitted during the processing of the planning application, but they were not considered by the Council, who made their decision on the initial plans submitted with the application. I have not been provided with the amended plans nor full reasons as to why they were not considered by the Council but understand the changes involved a need to amend the red line boundary and that this could not be done as an amendment. I must therefore determine the appeal in accordance with the plans considered by the Council. For the avoidance of doubt, they are *Plans and Elevations as Existing and Proposed 18022.01 A*.
4. The fourth reason for refusal refers to conflict with *SPD8*. The Council say this is an error and that this should be *SPD6*. Whilst *SPD8* was mentioned in the Officer Report, the contents referred to related to *SPD6*. The appellant was made aware of this in the Council's Statement of Case and is not prejudiced by this error.

Main Issues

5. The main issues are a) the effect of the proposal on pedestrian and highway safety having particular regard to a satisfactory access into the site and

adequate parking and servicing provision, and b) whether the proposal provides acceptable living conditions for future occupiers having regard to outdoor amenity space and bin storage provision and privacy with specific regard to overlooking to and from neighbouring properties.

Reasons

Pedestrian and highway safety

6. The appeal site is rectangular in shape with a single storey brick building occupying most of the site. It sits at right angles to Cobden Street with two roads either side that I am informed are unadopted. The character of the area is predominantly residential although a commercial building exists to the south-east of the building. The building was vacant at the time of my site visit and has been for some 10 years. Prior to that it was used as a community centre/club.
7. The proposed development would involve cosmetic changes to the external face of the eastern and western elevations of the building to insert doors and windows and the construction of a pitched roof to provide two 1-bed units. Each unit would have one car parking space set at an angle to the western face of the building taking access off the unadopted road.
8. The unadopted road that would serve the parking spaces does not form part of the application redline boundary although the appellant says that they have a legal pedestrian and vehicular right of way over it. Whilst that may well be the case, the fact that the application redline does not clearly demonstrate that a secure vehicular access can be achieved from the adopted highway is a concern.
9. The submitted plans indicate that vehicles would enter the parking spaces nose in. This would then result in vehicles having to reverse out of the spaces onto the unadopted road. In the absence of any turning facilities within the site they would then have to reverse out into Cobden Street. This would be unacceptable in terms of pedestrian and highway safety and have the potential to cause danger to other road users and pedestrians.
10. There is no indication on the submitted plans for bin storage or how service vehicles would access the site. Given the constraints I have identified in relation to accessing the proposed parking spaces and limitations on manoeuvres on the adjacent unadopted road, this adds to my concerns in respect of the impact on pedestrian and highway safety.
11. No details of bin storage have been provided on the plans determined by the Council so I am unable to consider this aspect fully. However, I do note that space is limited around the building for bin storage and so I cannot be certain that it would be possible to provide suitable on-site bin storage facilities.
12. The appellant says that these concerns were addressed in amended plans that were submitted to the Council during consideration of the application. As I have already said above, I have not been provided with these plans and the Council have made it very clear that they were not considered by them in determining the application. It is necessary that I determine this appeal on the basis of the plans that were considered by the Council as part of its refusal of planning permission.

13. Given the above, I conclude on that the proposed development would not provide satisfactory parking spaces for the development and would have an unacceptable impact on pedestrian and highway safety in the area. This would be contrary to Policies H1/2 - Further housing development, H2/2 - The layout of New Residential Development, EN1/2 - Townscape and Built Design and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan (1997) (UDP) and paragraph 109 of the National Planning Policy Framework (the Framework) that, amongst other things, require development to have regard to acceptable and safe access, servicing and parking provision.

Living conditions

14. Given that the existing building occupies the majority of the site, there is only a small area of land fronting Cobden Street and a further area on the western side of the building towards the rear that would provide amenity space for future occupiers. Both these areas would be adjacent to the proposed parking space and are shown as open areas with some indicative planting on the submitted plans. This coupled with their small size and location adjacent to Cobden Street and the unadopted road to the west, would be open to public view and provide a poor level of amenity for future occupiers.
15. The internal layout, coupled with the juxtaposition of the eastern elevation to the unadopted access road serving the commercial building on this side of the property, results in habitable room windows looking out onto this road that is also used by vehicles parking in association with the commercial use. This would present a poor outlook with potential loss of privacy and overlooking from users of the adjacent unadopted road.
16. The appellant suggests that the units would likely be occupied by single people or the elderly who are unlikely to want or need any amenity space to maintain and that there is a park within some 170m and a bowling green within approximately 140m of the site. This is noted but, given the scale and location of the proposed development, the amenity space as set out would not be satisfactory given the clear lack of privacy. Future occupiers should not be expected to walk to nearby public parks or other amenity spaces to meet their private outdoor amenity space needs.
17. Taking the above into account I conclude that the proposed development would provide unsatisfactory living conditions for future occupiers in terms of inadequate private outdoor amenity space and loss of privacy given the juxtaposition of neighbouring land close to habitable room windows. This would be contrary to UDP Policies H2/1 - The Form of New residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and Supplementary Planning Document "Alterations and Extensions to Residential Properties Adopted 17th March 2004 and updated 13th January 2010" that, amongst other things consider the impact of development on the residential amenity of existing and future occupiers.

Other considerations

18. There is no dispute between the parties that the local planning authority cannot demonstrate a deliverable five-year supply of housing sites in the area. Consequently, the provision of an additional two dwellings in the area would positively contribute to the housing under-supply position. Furthermore, there is no dispute between the parties that the site is located in an accessible

location. These are matters which weigh in favour of allowing the development, although the contribution to the housing under-supply would be somewhat limited from the provision of two dwellings. These matters need to be weighed against the harm I have found in respect of my conclusions on the main issues, taking into account paragraph 11d of the Framework.

Planning balance and conclusion

19. In respect of my conclusions on the main issues, I have found that harm would be caused to pedestrian and highway safety and to the living conditions of future occupiers of the dwellings and neighbouring properties. Such adverse impacts would significantly and demonstrably outweigh the identified benefits of allowing the development, including the supply of additional homes in the area, when assessed against the policies in the Framework taken as a whole.
20. Consequently, and considering all other matters raised, I conclude that the appeal should be dismissed.

David Storrie

INSPECTOR