



Appeal Decision

Site Visit made on 13 July 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 2 August 2021

Appeal Ref: APP/T4210/W/21/3270929

21 Greenmount Drive, Tottington, Bury BL8 4HA

- 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/Mrs F Morpeth against the decision of Bury Metropolitan Borough Council.
 - The application Ref 66193, dated 13 November 2020, was refused by notice dated 11 March 2021.
 - The development proposed is the residential development of two detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have considered its provisions in relation to the appeal scheme and note that there are no significant changes from the 2019 iteration which would affect the main issues of the case. Accordingly, I have referred to the 2021 Framework in my findings.
3. I have taken the description of development above from that agreed between the Council and the appellant at the time of the planning application. It best describes the appeal scheme in precise and concise terms and is shown on the appeal form. I have proceeded on this basis.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to outlook.

Reasons

Character and Appearance

5. The appeal relates to an undeveloped piece of grassland to the rear of 21 and 23 Greenmount Drive. The western side of Greenmount Drive is characterised by large two-storey detached frontage dwellings that have generous gaps in between them. There is a linear street pattern along this side of the road, and properties have long rear and undeveloped garden areas that abut open fields and agricultural land beyond. The area therefore has a strong sense of being open and spacious, which contributes positively to its character and appearance.

6. The proposal would be in a backland location accessed via a new shared road between Nos 19 and 21. The introduction of two dwellings into this open and undeveloped area would increase the built form and density of development across the site. This would significantly erode the sense of spaciousness and appear out of context with the predominant layout and pattern of development in the immediate area.
7. The discordant effect of the proposal on the spaciousness of the area would be plainly visible from the gaps in between properties along Greenmount Drive, including that which would form the shared vehicular access to the site. It would also be apparent from a number of neighbouring properties and the footpath that bounds the rear gardens of the houses on the western side of this road.
8. I therefore find that the appeal scheme would harm the character and appearance of the area. As such it would conflict with Saved Policies EN1, EN1/2 and H2/1, H2/2 and H2/6 of the Bury Unitary Development Plan 1997 (UDP). Collectively, these seek, amongst other matters, to resist garden and backland development, by ensuring that the layout and form of new residential developments do not have an unacceptably adverse effect on the character and visual amenity of an area. It would also fail to accord with the design objectives of the Framework, specifically Section 12.

Living Conditions

9. I have doubts as to the merits of a design (for the dwelling on plot 1) which relies upon the use of obscure glazing in all of its rear and side openings. Given the separation distance between the proposed dwelling on this plot and Nos 21 and 23 it is unclear why obscure glass is necessary in the proposed rear elevation.
10. Nevertheless, the submitted plans show that these obscurely glazed openings would either serve non habitable rooms such as the hall, landing, toilets and en-suites, or would be small secondary windows to habitable rooms. The reduced amount of light at first floor level would be confined to a relatively narrow landing area, and all primary habitable room windows would have clear glazing in their windows, thereby providing sufficient levels of outlook from them. The large ground floor bifolding doors that would serve the kitchen/dining room and lounge would also ensure a more than reasonable outlook for future residents.
11. I note the Council's concerns about the design of the proposed dwelling on plot 1 being contrived, and I appreciate that this arrangement would only provide an outlook to the western direction with no overlooking of its rear garden area. However, I am unaware of any development plan policy, or supplementary planning document that specifically requires clearly glazed dual aspects to be provided. In this instance I am therefore unable to find that the proposal would not provide acceptable living conditions for future occupiers, with particular regard to outlook.
12. The proposal would not therefore conflict with the requirements of Saved Policies H2 and H2/1 of the UDP in this respect. These policies seek, amongst other things, to ensure that reasonable standards of residential amenity are maintained. It would also accord with paragraph 130 of the Framework which seeks a high standard of amenity for all existing and future users.

Other Matters

13. My attention has been drawn to an extant planning permission for one dwelling to the rear of 8 Chisholme Close (Ref:64515) and an existing dwelling to the northern end of Greenmount Drive. The appellant considers these to be similar to the proposal in terms of their two-storey design, appearance, orientation, external materials and curtilage sizes.
14. Nonetheless, the existing dwelling to the northern end of Greenmount Drive fronts this highway as there is a bend in the road. The approved dwelling (Ref:64515) would also be accessed via a single access point to the end of this cul-de-sac rather than a shared access in between houses. Accordingly, their circumstances are not directly comparable to those which apply in this appeal. I have, in any case, determined the appeal on its own merits.

Planning Balance

15. The Council accepts that it is unable to demonstrate a 5 year deliverable supply of housing land. The most important policies are therefore deemed to be out of date and, in light of Paragraph 11 d) ii) of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. I have found that the proposed development would be harmful to the character and appearance of the area. This harm would be wide ranging and long lasting. It would be contrary to the design aims of the Framework I have referred to above. With these factors in mind, I ascribe these matters substantial weight. My findings on the second main issue of this case would amount to a lack of harm and would thus be neutral in any balancing exercise.
17. No specific benefits to the appeal scheme have been advanced in the evidence. However, given the scale of the proposed housing, any economic, social and environmental benefits would be somewhat limited. The scale of the proposed development would also mean only a very small contribution to the Council's housing supply. The lack of planning officer objection in respect of the principle of development, the living conditions of neighbours, highway safety, ecological biodiversity, drainage and ground conditions did not appear to be contentious in the appeal and are in any event a lack of harm in each case. They are therefore also neutral factors that do not weigh in favour of the proposed development.
18. With this in mind, I would attach limited weight to the appeal scheme's benefits. As such, and bringing matters together, the adverse impacts of granting planning permission would, in this particular case, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

19. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations including the provisions of the Framework, the appeal should be dismissed.

Mark Caine INSPECTOR