



Appeal Decision

Site visit made on 22 February 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2022

Appeal Ref: APP/T4210/W/21/3283822

5 Holmfield Avenue, Prestwich M25 0BH

- 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 Rose against the decision of Bury Metropolitan Borough Council.
 - The application Ref 67263, dated 7 July 2021, was refused by notice dated 2 September 2021.
 - The development proposed is the demolition of the existing dwelling and erection of a new detached single dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and erection of a new detached single dwelling house at 5 Holmfield Avenue, Prestwich M25 0BH in accordance with the terms of the application, Ref 67263, dated 7 July 2021 subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr and Mrs Rose against Bury Metropolitan Borough Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site consists of a detached dwelling which is situated towards the end of a short cul-de-sac. Other properties are mainly semi-detached with a short terrace row at the head of the cul-de-sac. Some of the properties have been subject to alterations but there is a strong degree of uniformity in the character of the area provided by the two storey bays with gable features above, the hipped roof arrangements and the use of brick as the facing material.
5. The central part of the proposed dwelling's front elevation would retain the simple appearance of the existing dwelling in that it would incorporate a two-storey bay feature with the main entrance doorway replicating the appearance of the existing front entrance. The single storey garage to the side of the existing dwelling would be replaced by a two-storey element that would be set

back at first floor level from the main front elevation. The front dormer proposed would also in itself appear as a modest addition.

6. However, the proposed dwelling would have a splayed element on its western side which, despite being setback from the front elevation, would not reflect the regular layout of properties in the area. Furthermore, the roof of the proposed dwelling would not respect the hipped roof form of the existing dwelling or the majority of the properties in the vicinity of the site. Rather, the confluence of differing roof heights at various angles, as well as the unusual plan layout of the proposed dwelling would result in it having a disjointed appearance.
7. As a result, I conclude that the proposed development would have an adverse effect on the character and appearance of the area. As such, it would be contrary to Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan, which seek, amongst other matters, for all new residential development to make a positive contribution to the form and quality of the surrounding area. It would also conflict with the National Planning Policy Framework, which seeks, at paragraph 130, for development to add to the overall quality of an area.
8. The appellant has set out that the existing dwelling has been granted planning permission¹ for various extensions and alterations that would result in an identical development to the appeal proposal. The Council do not dispute that the appeal development would replicate the previously approved scheme but have indicated that it may not be possible to structurally construct the fallback scheme. There is nothing before me that indicates any structural matters would prevent the extensions to the existing house and the appellant has stated the rationale for the appeal proposal is that it would be more cost effective. As such, I have no reason to doubt the likelihood of it being implemented if this appeal was to fail.
9. The Council has also referenced the lack of pre-application engagement and the planning history of the site, including the use of permitted development rights as fallback positions. Be that as it may, and whilst noting the references to high design expectations in national guidance as set out in one of the referenced appeals, the end result of the appeal proposal would be the same as the referenced fallback position. Consequently, and unlike the approach in one of the referenced appeals, the proposal would have the same effect on the character and appearance of the area as the fallback position and not cause greater harm.
10. I appreciate that with the proposed demolition of the existing dwelling, there was an opportunity to design an entirely new property rather than replicating the appearance of the older dwelling with extensions. Nevertheless, I am required to determine the appeal before me on its own merits.
11. I have also considered the representations by interested parties, including concerns in relation to parking and the effect on living conditions. As the proposal would result in the same end development as the fallback scheme, it would have no greater impact in these regards. None of the other comments made would outweigh my overall conclusion.

¹ LPA Ref: 66765

Conditions

12. I have considered the conditions suggested by the Council and other parties, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the wording of the suggested conditions as appropriate.
13. A condition is necessary requiring the submission of materials in the interests of the character and appearance of the area and for car parking and refuse storage facilities to be provided to ensure adequate such provision is provided within the site. Although the development is for a single dwelling, a Construction Traffic Management Plan (CTMP) is required given the proposal involves the demolition of the existing dwelling and the location of the site on a narrow cul-de-sac. This condition can incorporate details in relation to asbestos to ensure that any such material on site is disposed appropriately. It is essential for details relating to the CTMP to be a pre-commencement condition to ensure there are no adverse effects arising on highway safety or on living conditions.
14. As the appeal site is already occupied by a dwelling and that it was previously open land, I do not consider the suggested conditions relating to contaminated land are necessary. I am also not persuaded that conditions are required in relation to landscaping or sustainable drainage as the site already accommodates a dwelling which has a garden. A further condition has been put forward requiring the provision of an electric vehicle charging point. From the information before me, there is no local policy justification and I can only see this as an aspirational matter. The development would not be unacceptable without it.

Conclusion

15. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal is allowed.

F Rafiq

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site – Location and Block Plan (DA19130.3. 001. Rev 2), Existing GA Plans and Elevations (DA19130.3. 002. Rev 1), Landscaping Plan – Existing (DA19130.3. 004. Rev 1), Proposed GA Plans and Elevations (DA19130.3. 003. Rev 4), Landscaping Plan – Proposed (DA19130.3. 005. Rev 1) and Streetscene Elevations (DA19130.3. 206).
- 3) No above ground works shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No demolition/construction shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority in writing and shall confirm/provide the following:
 1. Hours of operation and number of vehicle movements;
 2. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
 3. Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;
 4. Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations; and
 5. An asbestos survey undertaken by an appropriately qualified person to include details of any asbestos identified and the method of disposal.

The approved CTMP shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.
- 5) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought into use.
- 6) The refuse storage facilities indicated on the approved plans reference DA19130.3. 005 Rev 1 (date 07/12/2020) shall be implemented and made available for use prior to the development hereby approved becoming first occupied and shall thereafter remain available at all times.