



Appeal Decision

Site visit made on 29 June 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30TH June 2022

Appeal Ref: APP/T4210/D/22/3299383

69 Richmond Avenue, Prestwich M25 0LW

- 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 Yomtov Eliezer Jacobs against the decision of Bury Metropolitan Borough Council.
 - The application Ref 67956, dated 6 January 2022, was refused by notice dated 3 March 2022.
 - The development proposed is described as a loft conversion, hip to gable and front and rear roof dormers.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's refusal notice describes the appeal development as a '*loft conversion with hip to gable roof extension; front and rear dormers*'. This more accurately describes the proposal. I have therefore determined the appeal on this basis.

Main Issue

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

Reasons

4. There is a general design consistency to the dwellings in the immediate locality including the use of brick elevations and boundary front walls, imposing two storey projecting gable bays with small, pitched roofs and with public facing main roofs slopes that are predominantly unbroken. These attributes add positively and distinctively to the character and appearance of the area.
5. The appeal property is a semi-detached dwelling and the surrounding area is mainly residential in character. It is a corner plot and its design is slightly different to other dwellings in Richmond Avenue and Mowbray Avenue. Nevertheless, it includes much of the aforementioned distinctive attributes and, in this regard, adds positively and distinctively to the general design uniformity in the immediate area.
6. In conjunction with the provision of a new hip to gable roof, the proposed rear dormer would appear dominant and top heavy on the host property. It would occupy a significant proportion of the rear roof slope. Owing to its position,

scale and design, it would be appreciated by passers-by as an incongruous box structure at odds with the otherwise mainly unbroken roof slopes that can be seen at close distance from public roads. I acknowledge that there are dormers to the rear of other properties in the area including a two storey extension with rear dormers at 55 Richmond Avenue. However, in contrast to the rear of other properties in the street, the appeal property is much more prominent and conspicuous when seen from Mowbray Avenue. In other words, all parts of this property are sensitive to change in so far that they are visible from public vantage points.

7. The above harm would be compounded by the fact that the proposal includes an increase in the height of the projecting side gable. The impact would be that of creating an overly fussy, discordant and dominant extension to the detriment of the appearance of the host property and the prevailing character and appearance of the street-scene.
8. In addition to the above, the development includes a front roof dormer. This addition would add to the overall dominance of the development as whole when seen from Mowbray Avenue. While the front dormer would not be as large as the proposed rear dormer, it would nevertheless unacceptably compete with the two storey projecting pitched roof gables belonging to the pair of semi-detached dwellings, particularly when seen by those approaching the site from Albert Avenue and into Mowbray Avenue. Furthermore, it would have the effect of uncharacteristically breaking up the existing main roof space and introducing an out of keeping roof addition that would be noticeable when viewed from public areas. To this extent, the proposal would have a discordant impact on the character and appearance of the area.
9. For the collective reasons outlined above, I therefore conclude that when the proposal is considered as a whole, it would cause significant harm to the character and appearance of the area. To this extent, it would not accord with the design, character and appearance requirements of saved policy H2/3 of the Bury Unitary Development Plan 1997, the Council's Supplementary Planning Document 6: Alterations and Extensions to Residential Properties (updated 2010) and Chapter 12 of the National Planning Policy Framework 2021.

Other Matters

10. The appellant considers that a precedent has been set in terms of similar development at 47 Kings Road. While this dwelling is not very far away from the appeal property, it is nevertheless seen within a street which has a different character and appearance. The appeal property is seen within Richmond Avenue and Mowbray Avenue which has a number of different and distinctive characteristics. In this context, I have found that the proposal would be harmful. In any event, I do not consider that the development at 47 Kings Road can reasonably be said to amount to good design given the size, bulk and appearance of the box dormers. Furthermore, the appellant's reference to development approved at 2 Lincoln Drive and 14 Kings Road is not seen without the same context as the appeal site.
11. The appellant has drawn my attention to box dormers to the rear of 42 Richmond Road which is also a corner plot. Box dormers are nevertheless not a prevalent feature when seen from public areas in Richmond Road. I acknowledge that it would appear that this development was approved by the

Council, but nevertheless it stands out as an incongruous form of development when seen in its immediate setting.

12. I have determined this appeal on its individual planning merits and the examples of other development referred to by the appellant does not lead me to find that the harmful proposal should nevertheless be allowed.
13. I note the supportive comments made by other interested parties and do not doubt the appellant's requirement for additional floorspace. I acknowledge that it would likely be possible to make changes to the property utilising permitted development rights. I do not know if such permitted development rights would be exercised if this appeal were to be dismissed. However, it would not be possible to construct the whole of the proposed scheme utilising permitted development rights and so I afford limited weight to any theoretical permitted development fall-back position. That said, the existence of permitted development rights for the property suggests to me that it might be possible to carry out some sensitive and alternative development alterations to the property, thereby addressing the appellant's desire for increased accommodation.
14. The aforementioned other matters need to be balanced against the significant harm that would be caused by the proposal to the character and appearance of the area. In this case, I find that a refusal of planning permission is a necessary requirement in the public interest. The other matters raised, including supportive comments made by an interested party, are not of significant weight or magnitude to alter or outweigh my conclusion on the main issue.

Conclusion

15. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR