



Appeal Decision

Site visit made on 11 July 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2022

Appeal Ref: APP/T4210/W/21/3285986

The Smithy and 10-14 Paradise Street, Ramsbottom, Bury BL0 9BS

- 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 Quanthill Ltd against the decision of Bury Metropolitan Borough Council.
 - The application Ref 65478, dated 5 May 2020, was refused by notice dated 28 May 2021.
 - The development proposed was originally described as refurbishment of and extensions to 10 - 14 Paradise Street; refurbishment of, ground floor conversion and extensions to The Smithy, including demolition of existing outbuildings to rear and part rear retaining wall.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the Ramsbottom Conservation Area (CA) and host building;
 - The living conditions of the existing occupiers of nearby dwellings, having regard to privacy; and
 - Highway safety, having regard to parking provision.

Reasons

Character and appearance

3. The appeal relates to former workshops with a flat above which are currently vacant. The buildings are two-storey in height and are constructed of stone with a slate roof.
4. The site is located within the CA. This part of the CA is characterised by a mix of stone buildings which vary in height and scale, including the former Wesleyan Methodist Chapel and workshops, residential uses and cobbled street. Paradise Street is located close to the town centre and commercial buildings on Bridge Street. It is an area where small engineering and craft workshops traded from late 19th century workshops and warehouses and some of the buildings retain sash windows.

5. The Ramsbottom Conservation Area Appraisal and Management Plan (CAAMP) sets out that Nos 10 and 12 Paradise Street are significant buildings that make a positive contribution to the character of the CA. Whilst I have no reason to doubt that they are significant buildings, the buildings currently do not visually positively contribute to the CA due to their poor condition. The buildings are in a dilapidated state, particularly to the rear and internally.
6. The proposed development involves raising the ridge and eaves height of the building, along with two, large flat roof dormers. Policy 3 of the CAAMP states that out of character dormer windows should be resisted. I acknowledge the findings of the heritage statements and recognise that the CAAMP has not been reviewed and predates the Framework.
7. On my site visit I observed some more modern developments which did not harm the CA. Dormer windows are not a common feature and those that existed were substantially smaller than that proposed. Flat roof dormers are not an historic architectural feature of the conservation area or the host building. The flat roof dormers would dominate the roof plane because of their size and scale. They would also introduce window openings with a horizontal emphasis. Dormer windows, such as that proposed, are not characteristic of the CA or the historic use of the site and would be an incongruous feature.
8. It is likely that partial views of the dormers would be visible from Factory Street. However, I recognise that the dormers would not be widely conspicuous from public vantage points, but they would be visible from nearby buildings. Whilst these are views gained from private properties, they are nevertheless positions where residents could appreciate the character and appearance of the CA. Furthermore, development should respect its local context and character, regardless of whether it is visible from public vantage points or not.
9. For these reasons, the proposed dormers would appear at odds with the established pattern of development and would not be sympathetic to the existing buildings. Accordingly, whilst new forms of development can add to the character of a conservation area, the proposal would cause harm to the character and appearance of the CA.
10. Framework paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
11. Given the scale of the proposal within the context of the CA as a whole, the dormers form part of the wider scheme and would be situated to the rear of the buildings, the level of harm would be less than substantial, nevertheless it is of considerable importance and weight.
12. The appellant highlights benefits of the proposal. These include that the scheme would bring a vacant and dilapidated buildings back into use, secures

an optimum viable use for the appeal site, preserving and enhancing the character and appearance of the façades as well as the retaining wall, high quality design and optimising the use and physical features of the site to provide a high standard of accommodation. In addition, the Council state that latest monitoring indicates that they are unable to demonstrate a five year supply of deliverable housing land. The proposed development would therefore make a contribution towards the provision of housing and would also result in social and economic benefits.

13. Based on the evidence submitted, the public benefits associated with the proposed development, in its entirety, are not sufficient to outweigh the harm that I have identified. In any case, there may be a different scheme which secures these benefits without such harm.
14. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would fail to preserve the character or appearance of the CA. Therefore, it would fail to satisfy the requirements of the 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of the Framework and conflicts with Policies EN1/1, EN1/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan (1997) (UDP). These seek, amongst other things, to ensure development preserves or enhances the special character or appearance of conservation areas and consideration will be given to the relationship of the proposal to the surrounding area. As a result, in this regard, the proposal would not be in accordance with the development plan.

Existing occupiers

15. The Council's submission sets out the separation distances required to comply with their Alterations and Extensions to Residential Properties Supplementary Planning Document 6 (2020) (SPD6) in order to maintain adequate privacy and residential amenity. The appellant sets out reasons they consider the distances should be less.
16. The appeal buildings sits higher than the residential properties to the east of the site, located on Crow Lane. The SPD sets out that there should be an extra 3 metres of separation for each 2.5m or one storey of height or level difference in the set out distances. The proposal would introduce an attic floor as well as balconies. The proposed first floor level is stepped back from the ground floor and the attic floor is further stepped back.
17. A degree of overlooking would not be unusual in an urban area such as this. There is also already a degree of overlooking between the first floor of the appeal buildings and the residential properties. I observed on my site visit that when stood at ground floor level, limited windows of the dwellings to the rear were visible due to the boundary wall. However, when stood at first floor level the majority of their rear windows were visible.
18. The attic floor would increase the number of windows facing towards the existing dwellings. The balconies would also introduce an amenity area where future occupiers could sit for long periods of time. Furthermore, the scheme would increase the number of residential units, and occupiers, compared to the previous use. Therefore, the proposed development would increase the level of overlooking and result in a loss of privacy. This is because of the increase in

windows, introduction of a balcony, increase in potential occupiers and separation distance having regard to level differences.

19. For these reasons, based on the evidence presented, the proposed development would adversely affect the living conditions of the occupiers of nearby properties, having regard to privacy. Consequently, it would conflict with Policies EN1/2 and H2/1 of the UDP. These seek, amongst other matters, to ensure all new residential developments make a positive contribution to the surrounding area and consideration will be given to the impact of developments on residential amenity.

Highway Safety

20. The Traffic Section requested a topographical survey and confirmation that the foundations for the proposal would not encroach upon the adopted highway. The Council's Development Control Policy Guidance Note 11: Parking Standards in Bury (2007) (SPD11) states that proposals will be required to provide appropriate levels of parking in line with the standards specified. The Council highlight that in order to comply with their parking standards, a total of 8.5 spaces would be required, and have drawn my attention to a planning application adjacent to the appeal site.
21. The previous commercial and residential uses operated with no off-street parking. The appellant states that the offset provision between the previous and the proposed uses would be 2.5 spaces. I acknowledge that the site was historically used as a car repair workshop, and it is likely that this would have generated vehicles being parked on the road.
22. The proposed development would not provide any off-road car parking. On street parking is available on Paradise Street and other nearby streets. I observed on my site visit that there was a small number of cars parked on Paradise Street with some on the footpaths. I acknowledge that vehicles parked on the footpaths could be problematic, for example to wheelchair users. However, it would be difficult to ensure vehicles, associated with occupiers of the development, do not park on the footpaths.
23. I observed on my site visit that Paradise Street is a quiet road with extremely little traffic and pedestrians. However, this was only a snapshot during the day and there may well be more parked cars and increased traffic flow as well as pedestrian users at other times.
24. There are also public car parks nearby. In addition, the appeal site is adjacent to the town centre. Transport links as well as services and facilities are therefore within walking distance to the appeal site. Future occupiers would be aware of the parking constraints of the site prior to choosing to live there. Furthermore, they would not be reliant on a private motor vehicle to access services and facilities given the location of the site.
25. Sufficient information has been presented to assess the impact of the proposed development on parking provision in the vicinity. Having regard to the location of the site, surrounding parking arrangements, previous uses of the site which operated with no off-street parking, I am satisfied that additional parking demand can be accommodated satisfactorily on the highway network.
26. For the reasons above, taking into account the information presented, the proposal would not have an unacceptable impact on highway safety, having

regard to parking provision. Consequently, it would comply with the aims of Policy HT2/4 of the UDP which require all applications for development to make adequate provision for their car parking.

Other Matters

27. I have considered the other matters highlighted by the appellant and local residents. These include frustrations with the Council, the proposed development would provide affordable housing as well as homes for first-time buyers and support the development of brownfield sites. On the basis of the information before me, the proposal would not amount to affordable housing, as defined by the Framework. The other matters highlighted do not outweigh the harm identified above.

Planning Balance

28. As set out above, the Council state that latest monitoring indicates that they are unable to demonstrate a five year supply of deliverable housing land. I have no reason to take an alternative view and therefore paragraph 11(d) of the Framework is engaged.
29. I have found that the proposal would not have an unacceptable impact on highway safety. However, it would not preserve or enhance the character or appearance of the CA and would adversely affect the living conditions of the occupiers of nearby properties. The benefits of the proposed development are set out in the heritage balancing exercise above. The benefits associated with the proposed development would not justify or outweigh the harm identified.
30. The proposal would be contrary to Policies EN1/1, EN1/2, EN2/1 and EN2/2 and H2/1 of the UDP. While these policies are deemed to be out of date due to the lack of a 5 year housing land supply, weight may still be afforded to policies depending on their consistency with the Framework. The most relevant policies are consistent with the aims of the Framework with regard to conserving and enhancing the historic environment and creating well-designed places with a high standard of amenity for existing and future users. There is nothing within the Framework to suggest that those requirements of all development should be lessened on account of the lack of a five-year supply. In that context, I attach significant weight to the conflict with the development plan and the Framework.
31. Paragraph 11 of the Framework, in the context of the presumption in favour of sustainable development, indicates that planning permission should be granted unless (d)(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Policies in the Framework which protect designated heritage assets are included in paragraph 11(d)(i)¹. The proposed development would be contrary to the Framework, and the harm to the CA that I have identified above provides a clear reason for refusing the development proposed. Therefore, the presumption in favour of sustainable development does not apply in this instance.
32. For the reasons given above, the appeal proposal conflicts with the development plan and the Framework when considered as a whole. There are

¹ See paragraph 11 (d)(i) – footnote 7 of the Framework

no other material considerations that suggest the decision should be taken otherwise than in accordance with the development plan.

Conclusion

33. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L M Wilson

INSPECTOR