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## Appeal Decision

Site visit made on 14 September 2022

**by J Downs BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 October 2022**

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**Appeal Ref: APP/T4210/W/22/3292503**

**3 Bridgefield Drive, Bury BL9 7PE**

- 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 Zaffar Hussein against the decision of Bury Metropolitan Borough Council.
  - The application Ref 67665, dated 4 October 2021, was refused by notice dated 11 January 2022.
  - The development proposed is First floor front extension single storey rear/side extension.
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### Decision

1. The appeal is dismissed insofar as it relates to the first floor front extension. The appeal is allowed insofar as it relates to the single storey rear/side extension at 3 Bridgefield Drive, Bury BL9 7PE in accordance with the terms of the application, Ref 67665, dated 4 October 2021 and subject to the following 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: 20/543/01; un-numbered proposed site plan; 21/663/02 and 21/663/03 except in respect of all aspects of 20/543/01 other than the location plan; and in respect of the first floor extension shown on un-numbered proposed site plan.
  - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match the existing dwelling.

### Preliminary Matters

2. The Council has attempted to issue a split decision in this case, partly allowing and partly dismissing the proposal. Although that power is given to the Secretary of State in appeals under section 79 of the Town and Country Planning Act 1990 (as amended), there is no general power for Local Planning Authorities to do so. As such, the whole of the proposal is before me and the appeal will proceed on that basis.

### Main Issues

3. The main issues are the effect on:
  - the character and appearance of the surrounding area; and
  - the living conditions of neighbouring occupiers.

## Reasons

### *Character and appearance*

4. The appeal property is a large detached dwelling set in a spacious plot. The surrounding area is characterised by development of this type. There is no consistent appearance to the properties, however they are linked by the use of similar materials and design features, giving the area an attractive cohesive appearance.
5. While there is not a defined pattern to development in the area, the dwellings are generally set back from the highway. In that respect, the existing garage is prominent in the street scene as it projects clearly forward of the main dwelling, perpendicular to it and with a significant massing as a result of the height of the roof.
6. This prominence would be substantially increased by the appeal proposal, which would add a first floor and gable end. The roof would be particularly prominent as it would have a ridge height the same as that of the main dwelling and would be a long structure as it connected to the existing ridge line. This increased mass, projecting forward of the dwelling would be unduly prominent and incongruous in the street scene. This is contrary to the advice in the Alterations and Extensions to Residential Properties Supplementary Planning Document adopted 2004 and updated 2010 (SPD) which advises front extensions should not project excessively from the original front wall and should reflect the proportions of the original dwelling and more generally requires extensions to reflect the massing of the original dwelling.
7. It is acknowledged that the extension, in and of itself, is well designed in terms of how it relates to the design features of the host property. However this would not overcome the harm that would arise from its overall scale and prominence in the street scene.
8. The rear/side extension would be single storey, with a flat roof sitting at eaves height to the existing projection. While it would be visible in glimpses from the side, it would be viewed in the context of the existing built form of the appeal property and its neighbour. It would be largely screened when facing the property by the high gates which sit to the side of the property. It therefore would not be prominent in the street scene, subject to materials which could be controlled by condition.
9. In relation to this main issue, the rear/side extension would be of an acceptable size and height and have an acceptable effect on the character of the surrounding area in accordance with Bury Unitary Development Plan adopted August 1997 (UDP) Saved Policy H2/3.
10. However the first floor front extension would not be of an appropriate size and height and would not have an acceptable effect on the character of the surrounding area. This element of the appeal scheme would, therefore, not comply with UDP Saved Policy H2/3 which seeks a high standard of design for residential extensions and alterations, and the guidance contained within the SPD.

### *Living conditions*

11. Both extensions would be adjacent to 5 Bridgefield Drive, which sits at a slightly higher level than the appeal site. No 5 has a garage at ground floor and a large glazed window to the first floor closest to the appeal site. Given the orientation of the dwellings, the extent of the windows and the gap between the properties, there would not be a material loss of light. The front garden area of No 5 is otherwise used for parking, so there would not be an adverse effect on the living conditions of the occupants arising from the front extension.
12. The rear/side extension, given its small scale, flat roof, position adjacent to the blank side elevation of No 5 and the difference in levels between the sites, would have no effect on the living conditions of No 5.
13. In relation to this main issue, the proposed extensions would have an acceptable effect on the amenity of adjacent properties in accordance with UDP Saved Policy H2/3 which requires extensions and alterations to be sympathetic to the surrounding area.

### *Other Matters*

14. The appellant has referred to a decision taken in 2011 and suggests that there is a lack of consistency between the two decisions. I do not have details of that proposal before me, including the reason for refusal. However, despite the UDP and SPD remaining the same, this appeal is to be judged on its own merits, particularly after such a considerable passage of time. While both the UDP and SPD pre-date the National Planning Policy Framework (the Framework) in any of its iterations, the current Framework is clear in its requirement for development to be of a high quality, and the principles set out in the SPD as they relate to this appeal therefore remain valid.
15. The appellant has made reference to UDP Saved Policy EN1/2 but stated that it was a non-specific policy. The Council have not referred to that policy in either their officer report or decision notice. I have not been provided with a copy of that policy. However as neither party has put forward any arguments with regard to this policy, I have not considered it further.
16. Reference has been made by both parties to the need for a bat survey. As I have found that the aspects of the development that would affect the roof would not be acceptable, I have not considered this issue further.
17. The two parts of the development proposed are clearly severable. I have identified no adverse effects arising from the rear/side extension and consider that it would be appropriate to issue a split decision.

### **Conditions**

18. I have imposed standard conditions with regard to time limit and approved plans to define the terms of the permission. With the exception of the layout plans, the two aspects of the development are shown on different plans and those plans which show the floor plan and elevations of the front extension do not form part of the approved plans. In the interests of good design, it is necessary to impose a condition relating to external materials.

## **Conclusion**

19. For the reasons given above I conclude that the appeal is allowed insofar as it relates to the rear/side extension as that is in accordance with the provisions of the development plan. The appeal is dismissed insofar as it relates to the first floor front extension as it would be contrary to the development plan and there are no material considerations of sufficient weight to lead me to conclude otherwise.

*J Downs*

INSPECTOR