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# Appeal Decision

Site visit made on 15 November 2022

**by J Williamson BSc (Hons) MPlan MRTPI**

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

**Decision date: 17 November 2022**

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**Appeal Ref: APP/T4210/D/22/3306388**

**7 Burndale Drive, Bury BL9 8EN**

- 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 and Mrs Katy and Christian Chivers against the decision of Bury Metropolitan Borough Council.
  - The application Ref 68263, dated 27 March 2022, was refused by notice dated 22 June 2022.
  - The development proposed is described as two storey side extension.
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## Decision

1. The appeal is allowed, and planning permission is granted for two storey side extension at 7 Burndale Drive, Bury BL9 8EN, in accordance with the terms of the application Ref 68263, dated 27 March 2022, 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: Location Plan, Site Plan Existing, Site Plan Proposed, Drawing No. 1 Existing Elevation, Drawing No. 2 Existing Ground Floor Plan, Drawing No. 3 Existing First Floor Plan, Drawing No. 4 Rev A Proposed Elevations, Drawing No. 5 Proposed Ground Floor Plan, Drawing No. 6 Proposed First Floor Plan, Drawing No. 7 Existing and Proposed Street Scene, Car Parking (Existing) (submitted to the Council on 13/04/22), and Car Parking (Proposed) (submitted to the Council on 13/06/22).
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) Prior to the development hereby approved being brought into use, the 2 No. car parking spaces shown on the approved car parking plan (proposed) shall be made available for use. These spaces shall be retained for the lifetime of the development, without impediment to their designated use.

- 5) Prior to the development hereby approved being used, details of the drop kerb denoted on the approved car parking plan (proposed) shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the approved development being brought into use.

### **Preliminary Matters**

2. During the planning application process modified plans were submitted to the Council, basically setting the gable elevation in around 5 cm from the boundary and showing 2 No. on-site car parking spaces. I have made my Decision, as did the Council, based on the amended plans.
3. The planning application form gives the name of the agent as the applicant. However, the appeal form notes Mr & Mrs Chivers as the appellants. The Council's Decision Notice makes it clear that the Decision is for Mr & Mrs Chivers. I therefore consider Mr & Mrs Chivers to have been the applicants of the planning application and therefore the rightful appellants.
4. I have used the description of proposed development provided on the application form as this adequately describes the proposal. The approved plans show that the proposal would have a gable end and that there would be 2 No. on-site parking spaces. The conditions attached require development to be carried out in accordance with the approved plans and for the on-site parking spaces to be provided before the approved extension is brought into use.

### **Main Issue**

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

### **Reasons**

6. The appeal property is a two-storey dwelling with a dual-pitched roof and gable ends. It is sited towards the centre of a row of 6 No. detached dwellings which form part of a residential area, primarily consisting of 2-storey detached and semi-detached dwellings.
7. The 2 No. dwellings located at either end of the row are sited forward of the front elevations of the other 4 No. dwellings. Number 11 has a gable frontage. Number 9 has a hipped roof and a single-storey side with wrap-around front porch extension. Number 5 has a gable frontage and a 2-storey side extension. The 2-storey side extension is set-back from the front elevation around 1.5 m at first-floor level and is designed with a side gable. Number 3 has a hipped roof and a single-storey side/front porch extension like the extension at number 9. Number 1 has a 2-storey side extension which is set-back at first-floor level around 1 m with a flat roof design. There is some slight variation in the roof ridge heights of each of the 6 dwellings; and gaps of varying sizes are retained between each of the properties. These details need to be borne in mind in assessing whether the proposed extension would create a terracing effect.
8. The Council Officer's Report and its Decision Notice refer to what **could** happen **if** some of the other dwellings within the row made alterations to their properties, either under permitted development rights or via a planning

application. However, the appraisal of the current proposal must be based on the site-specific circumstances as they are, and not on speculation about what occupiers of other properties within the row may or may not do in the future.

9. The proposal is for a 2-storey side extension located on the north-eastern side of the existing dwelling, towards the side boundary with number 9. The extension would be the full depth of the existing dwelling; hence, its front and rear elevations would be in line with the front and rear elevations of the existing, original property. The heights of the eaves and roof ridge would follow those of the existing dwelling.
10. A gap of around 1 m would be retained between the gable end elevation of the proposed extension and the south-western facing side elevation of number 9, which, as noted above, has a hipped roof. Additionally, as noted above, the property the other side of the appeal site, number 5, has a 2-storey side extension which is set-back at first-floor level; I also note that there is a gap of around 1 m between the respective side elevations of the appeal property and number 5.
11. Section 5 of the Council's Supplementary Planning Document 6: Alterations and Extensions to Residential Properties (adopted 2004 and updated 2010), (SPD), provides guidance regarding 2-storey side extensions. It recommends that the front elevation at first-floor level should be set-back at least 1.5 m from the main frontage of the original house. The objective of the guidance is to avoid the appearance of uncharacteristic terracing.
12. The SPD notes that the requirement for a set-back may be relaxed in certain instances. Although the appeal site may not strictly fall within either of the scenarios listed, bearing in mind the existing characteristics of the site outlined above, eg a short row of 6 dwellings, some irregularity of building line in the row, the differing design details of properties within the row and the gaps that would remain between the appeal dwelling and the 2 dwellings either side, despite not being set back, within the specific circumstances of the site I consider that the proposal would not create a terracing effect.
13. I therefore conclude that the proposal would not be out of keeping with the street scene and consequently would not harm the character or appearance of the area. As such, the proposal accords with saved policies EN1/2 and H2/3 of the Bury Unitary Development Plan, (1997), (policies which are broadly consistent with policies in the Framework<sup>1</sup> regarding protecting the character and appearance of areas). Collectively, and among other things, these policies require new development to not have an unacceptable adverse impact on the character or appearance of the area. The proposal also satisfies the relevant aims and objectives of the SPD.
14. I have not assessed the proposal against saved policy EN1/1. Although this is entitled 'visual amenity', it seeks to not permit development that would have a detrimental effect on "*public views of prominent or important buildings, especially those in areas of architectural or historic interest*" or "*the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys*", neither of which are relevant to the appeal proposal.

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<sup>1</sup> The National Planning Policy Framework

### **Other Matters**

15. Concern has been raised regarding the potential effect of the proposal on living conditions of occupiers of existing neighbouring properties. However, for the reasons outlined in the Council Officer's Report, I, like the Council, consider that the proposal would not adversely affect the living conditions of occupiers of existing neighbouring properties. A concern has been raised regarding refuse bin storage. I note that on the approved plans (drawing No. 5) a combined bin store/cycle store is included. As such, I consider the proposal would not create any issues regarding refuse bin storage.

### **Conditions**

16. I have taken account of the conditions suggested by the Council, the comments provided by the appellants, and the requirements of the Framework and the Planning Practice Guidance.
17. A condition specifying the approved plans has been attached to clearly identify what has been approved, as amended plans were submitted during the planning application. A condition specifying materials is attached to protect the character and appearance of the area. Conditions related to parking spaces and a drop kerb have been attached in the interest of highway safety.

### **Conclusion**

18. For the reasons outlined, I conclude that the appeal is allowed.

*J Williamson*

INSPECTOR