The Planning Inspectorate

Appeal Decision

Site visit made on 24 October 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2023

Appeal Ref: APP/T4210/D/23/3330060
Lady Margaret House, 51 Prestwich Park Road South, Prestwich M25 9PF

- 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 D Cainer against the decision of Bury Metropolitan Borough Council.
- The application Ref 69670, dated 19 May 2023, was refused by notice dated 10 July 2023.
- The development proposed is a double garage.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The proposal is for a detached garage within the garden of this large semi-detached property. The house lies within the St Marys Conservation Area which although focused on the church and extensive wooded parkland to the north, includes the large detached houses built along the edge of the woodland area along St Ann's Road and the houses to their south, including the appeal property at the junction of St Ann's Road and Prestwich Park Road South. This specific area is residential in character but includes many street trees and mature gardens that ensure that it is the greenery and foliage which contribute most significantly to the character of the area. The properties generally sit relatively comfortably within this landscaped setting. The area includes a number of distinctive period properties which add to the quality of the conservation area including the appeal property and its attached neighbour; and the matching pair of houses to the immediate south.

4. It is evident that the appellant has considered the importance of this property to the wider conservation area. The proposed garage would be set back from the road and at a low level which would reduce its impact. Similarly, the high hedge to the side would ensure that it would not be visible when approaching from the west along St Ann's Road and would be screened to some extent when travelling from the east by the hedge and street trees. The developing

hedge along the Prestwich Park Road South frontage would also reduce its impact. The hipped roof would limit its scale and reflect, to some extent, the detailing of the house.

5. This and the three similar properties to the south, have their main entrances to their side elevations. Although the spaces around these properties and their imposing and symmetrical frontages are particularly important to their appearance, their main entrance features are also of importance. Although each has a different arrangement and detail with regard to each front door, the entrance to each house is of considerable significance with regard to their character. The position of the proposed garage forward of the main entrance feature would detract from its character and reduce its significance. Access to the main entrance would be to the side of the garage diminishing its importance. Its position would also ensure that, despite its lower floor level, it would be viewed immediately alongside the frontage of the dwelling in views from Prestwich Park Road South.

6. As this dwelling has less rear garden than its neighbours, I appreciate the desire to maintain as much as possible of the lawned area of the side garden. I appreciate also that the vehicular access to St Ann's Road has been closed. Situating the garage further back would increase the amount of surfaced area to the side of the property which would also not be positive. However, its currently proposed position, although not dominant as suggested by the council, would detract from the particular characteristics of this house and would ensure that it would also detract from views of it. It would result in harm to the character and appearance of this particular property and it would also fail to preserve or enhance the character and appearance of the conservation area.

7. I am mindful that the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty requiring that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The *National Planning Policy Framework* is clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the proposal. In this case, the harm to the conservation area would be less than substantial. As the house currently has sufficient parking and turning space, whilst there are benefits to the provision of garaging, there are no public benefits that are sufficient to outweigh this harm. The proposal would also detract from the character and appearance of this property and the benefits of the proposal do not outweigh this separate harm. It therefore conflicts with the heritage objectives of the *Framework*.

8. The proposal would conflict with policies EN1/1, EN2/1, EN2/2 and H2/3 of the Bury Unitary Development Plan 1997 as it would have a detrimental impact on views of this important building and harm its character; and it would not preserve or enhance the character or appearance of the conservation area. Although now of some age, the policies generally accord with both the design and heritage requirements of the *Framework*.

9. Reference has been made to numerous existing garages and applications approved for garages. Although this proposal must be considered on its own merits, these examples are not directly comparable, particularly with regard to

the relationship of the garage to the frontage of the property and the main entrance to the dwelling.

10. In conclusion, although I have had regard to all the matters put forward, there are none that are sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR