

Appeal Decision

Site visit made on 19 August 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2024

Appeal Ref: APP/T4210/D/24/3339608

21 Philips Drive, Whitefield, Bury M45 7PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Lee Hopley against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 70236.
 - The development proposed is erection of 1st floor extension above existing porch allowing increase of existing bedroom.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Council has adopted the Places for Everyone¹ Joint Development Plan as part of the Development Plan for Bury. The main parties were given the opportunity to comment on this adopted plan and its relevance in relation to the appeal proposal.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
4. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published in December 2023.
5. I observed on my site visit that the first-floor front extension has already been constructed. However, I note that the first-floor extension as built has been finished with timber cladding whereas the proposed plans state that the extension would have a rendered finish. Nevertheless, the submitted documents state that the development has been completed and I shall thus consider it on a retrospective basis.

¹ Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039, Adopted 21 March 2024.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

7. The appeal relates to a two-storey end terrace dwelling located within a row of four properties. Each terrace property in this row was built with a flat-roofed forward projecting porch at ground floor level. These original porches, along with the similar design of each property, creates a positive and simple sense of symmetry to the front elevation of this terrace row.
8. The properties within this row are all accessed via a set of external steps and a pedestrian access path leading from the vehicular highway of Philips Drive, with the ground floor levels of the properties all situated on land that is raised above the level of the vehicular highway of Philips Drive. Additionally, the front elevation of this terrace row is set forward in comparison to the front elevation of the terrace row directly to the southeast. This raised position, and forward projection, result in the terrace row, within which the appeal property is located, being visually prominent at the end of this street when viewed from the southeast.
9. The surrounding area is characterised by a variety of different house types, sizes and designs, including two-storey dwellings, bungalows, three-storey dwellings and a three-storey block of flats on Linksvie Court which face towards the appeal site. However, each of these different house types is clustered within a different part of the street. This results in different sections of Philips Drive having their own design style and identity, with the properties within each different section being generally similar in design to each other. This layout is a defining characteristic of the street scene on Philips Drive.
10. The introduction of the first-floor extension above the existing front porch significantly unbalances the symmetry across the front elevation of this terrace row, to the visual detriment of the host property, the other properties in this row and the surrounding area in general. The visual impact of the proposal is exacerbated by its flat-roof design, which is not a design feature at first-floor level within the immediate street scene on Philips Drive. The first-floor extension therefore creates an incongruous and discordant feature within this row of otherwise similar properties.
11. For the avoidance of doubt, whether the existing timber clad finish is retained, or whether the extension is finished in render as shown on the proposed plans, would not alter my view on the visual harm arising from the first-floor front extension.
12. In coming to the above views, I acknowledge that the appeal property is located at the end of the row and the street, and that the vehicular highway of Philips Drive terminates before reaching this row of terrace properties. However, due to a combination of its raised and forward position on the street, the front elevation of the appeal property, and in particular the first-floor front extension, is clearly visible from public viewpoints along Philips Drive.
13. Furthermore, the first-floor extension is also visible from the highway serving Linksvie Court, above the existing row of garages, as well as from the first and second floor windows in the front elevation of the flats on Linksvie Court. As such, whilst located at the end of the street, the appeal property and the first-floor

front extension are visible and prominent from multiple locations and surrounding properties.

14. The appellant has commented that the extension is small in size, in keeping with the roof line and blends with the background of the gable elevation of the neighbouring property at No. 1b Park Terrace (No. 1b). Whilst I acknowledge the extension is modest in size and does not breach the existing eaves line, I observed on site that the timber clad extension visually stands out against the white rendered gable elevation of the neighbouring property at No. 1b when viewed from Philips Drive. Furthermore, if the extension was to be finished in render, as detailed on the proposed plans, this would be visually at odds with the host dwelling and other properties in this terrace row.
15. In view of all the above, the first-floor front extension causes unacceptable harm to the character and appearance of the surrounding area. As such the proposal conflicts with Policy H2/3 of the Bury Unitary Development Plan (1997) which seeks to ensure that development is sympathetic in nature with the original building and surrounding area by reason of shape, design, and external appearance.
16. The proposal also fails to comply with the Council's Supplementary Planning Document 6: Alterations and Extensions to Residential Properties (adopted 2004 and updated 2010) where it seeks to achieve a high standard of design and to ensure that proposals do not have a detrimental impact on the character and appearance of neighbouring properties and general street scene.

Other Matters

17. The appellant has referred to advice they received from the Council prior to works commencing on site. However, I have not been provided with the specific details of this advice and in any case this matter has not been determinative in my consideration of this appeal which has been determined in accordance with the most up-to-date planning policies.
18. The appellant has drawn my attention to extensions that have been allowed to the side of the property at No. 12 Philips Drive (No. 12). Whilst I have not been provided with all the details in relation to the extensions to the side of No. 12, I observed that they are not directly comparable to the appeal scheme which relates to a first-floor front extension.
19. The appellant has also provided photos of other front extensions that they assert have been approved by the Council. However, I have been provided with no information in respect of the planning history of these examples, or details of their proximity in relation to the appeal site. I note that one of the photos provided does include an address². However, this property is not located and viewed within the same street scene as the appeal property. Furthermore, the existence of other extensions in the borough does not justify the harm I have identified, and I have determined the appeal on its own merits against the most up-to-date planning policies.
20. I note that the appellant states that the proposal is required to provide additional space within the smallest bedroom, and that they are seeking to provide more floorspace to facilitate their growing family. However, limited information is before

² 328a Stand Lane, Radcliffe

me as to those circumstances and I have limited evidence that this scheme is the only practical option for extending this property. I do not therefore find that the personal circumstances of the appellant to extend the property outweigh the harm I have found to the character and appearance of the area.

Conclusion

21. The proposal conflicts with the development plan when taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

R Major

INSPECTOR