

Appeal Decision

Site visit made on 6 August 2024

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/T4210/W/24/3341777

313 Holcombe Road, Tottington, Bury BL8 4BB

- 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 Chloe West against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 70446.
 - The development is a single storey side extension with change of use to residential garden and means of enclosure to the land to the north of No. 313 Holcombe Road.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension with change of use to residential garden and means of enclosure to the land to the north at 313 Holcombe Road, Tottington, Bury BL8 4BB in accordance with the terms of the application Ref 70446 and subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with Drawing Nos ZT23-196-03 and ZT23-196-04. For the avoidance of doubt the material change of use to garden area hereby approved relates to the area hatched red on drawing number ZT23-196-03 only.
 - 3) The external finishing materials for the proposal hereby approved shall match those used in the existing building/dwelling.
 - 4) Within 3 months of the date of this decision, full details of the reinstatement of the footpath to its former condition prior to it being crossed by vehicles which used the parking area shall be submitted to and agreed in writing with the local planning authority. The approved details shall be implemented within 3 months of the local planning authority's approval.

Preliminary Matters

2. The appeal before me is for the refusal of planning permission for a single-storey side extension and 1.8-metre (m) high boundary fence and wall as shown on the proposed plans. While reference is made to 'residential

curtilage' in the development description on the application form, the term 'curtilage' is not a 'use' of land, nor does it describe an act of development. Whilst the verge to the side of the house may be in the ownership of the appellant its original function appears to have been as a highway verge as opposed to domestic garden area, noting feature such as the utility cabinets within the space. For correctness, I have accordingly changed the development description on the application to refer to residential garden.

3. During the course of the appeal the Council adopted the 'Places for Everyone Joint Development Plan Document 2022 to 2039' on 21 March 2024 (PfE). The PfE replaces certain policies of the Bury Unitary Development Plan 1997 (UDP), and the Council has indicated that this includes UDP Policies HT6/2, OL3 and OL3/1 which are cited in the Council's reasons for refusal. The appellant has provided comments regarding this matter within the appeal timetable, and I have taken these into account.
4. On my visit, I observed the sections of side and rear fencing and wall that exists and note the appellant's comments regarding retention of these in the proposal. However, for clarity I have based my decision on the proposed drawings.
5. The Council refer to enforcement action being taken against an air conditioning unit located on the side elevation of the host property. As this unit does not form part of the proposal, I have not considered it in the appeal.

Main Issues

6. The main issues in the determination of the appeal are the proposed development's effect on:
 - the character and appearance of the area; and
 - highway safety with particular regard to junction visibility at the access lane, vehicle parking and footpath condition.

Reasons

Character and appearance

7. The appeal site consists of an end terrace two-storey property which sits in a corner plot at the junction of Holcombe Road and Hunt Fold Drive. A lane runs to the back of the appeal property and terrace which allows access to the terraces' rear areas which include gardens and garages. To the side of the appeal property there is a grass verge which separates it from Hunt Fold Drive. A parking area and a rear fence and wall have been built over this verge and the Council considers these works to be unauthorised and the appellant provides no information to dispute this.
8. The proposal would consist of a single storey side extension with sections of rear and side boundary fencing and walling, much of which already exist. The proposal would remove the existing vehicle parking area and would reinstate it as grass verge.
9. The proposal including the fencing and walling are shown on Drawing Nos ZT23-196-03 and ZT23-196-04. While full elevations of the proposed wall and

fencing in relation to the proposed extension are not presented, the extent, dimensions and typical appearance of the fencing and wall are shown. I therefore consider the information to be sufficient to allow the visual effect of the proposal to be assessed.

10. The appeal site and host property are in a prominent location with an existing large side elevation and traditional design. With its small single storey size, set back from the roads and use of similar materials to the host property, even with its mono-pitched roof, the proposed extension would not be an overly intrusive or incongruous feature in this context and in the surrounding area. It would also not interrupt or harm the views from the surrounding roads. Its small size and set back from the front of the host property would also prevent the proposal's window from appearing out of place or out of proportion with the proposed stone header and roof eave details and the existing property's front fenestration.
11. The proposal's fencing and brick wall would not be uncommon boundary treatments in the area and would be modest in extent compared to similar boundary features that exist. The proposed fencing would not have any tree canopy cover as is evident to some of the existing fencing. However, with its front and side road set backs, backdrop of existing fencing and the separation created by the access lane and the grass verge, it would not appear as an intrusive or out of place feature in the street views.
12. Further to the above, other than reference that the Supplementary Planning Document 6 titled 'Alterations and Extensions to Residential Properties' 2010 (SPD) states that side extensions should respect the character of the street scene, little evidence has been provided that the proposal would not meet the highway separation guidance outlined in it.
13. The proposed fencing would reduce some views along the rear access lane but these would typically be passing glimpsed views of the lane's lower existing fencing, vehicle parking and garages. The proposed fencing would have a negligible effect on the sky and more distant vistas. Consequently, the proposed fencing and walling would not have an unacceptable effect on views.
14. Concern has been raised that the proposal would introduce domestic paraphernalia which would adversely affect the character and appearance of the area. However, no evidence has been presented to show the retained grass verge has been or would be used for such purposes. Indeed it is more likely, from a privacy and security perspective, that such domestic items would be located within the rear enclosed area of the host property, behind the proposed fence and wall. As such, domestic paraphernalia would not be highly visible in the street views.
15. Reference is made to Appeal APP/T4210/D/17/3188255 which related to a prominent corner plot at 71 Milbourne Road. However, this appeal related to a much larger two storey side extension which significantly encroached into the side landscape and affected the traditional design of the host dwelling. As such it is not directly comparable to the proposal before me and does not change my view on the effect it would have. In any event, I have considered the proposal on its own planning merits.

16. While the verge is an important and attractive visual aspect of the street scene, the proposal would be a modest reduction in its openness and the greenspace would be largely retained. It would not unacceptably affect the character and appearance of the area. It would not conflict with Policies EN1/2 and H2/3 of the UDP, Policy JP-G6 of the PfE and the SPD. These policies and guidance seek, amongst other matters, for proposals not to have an unacceptable adverse effect on the character of the area and ensure there is an appropriate scale, type, quality and distribution of accessible urban green space.

Highway Safety

17. The appellant has confirmed that the proposal would remove the vehicle parking area, and this would remove the concerns raised regarding vehicles crossing the footpath and not parking clear of the adopted highway. Drawing No ZT23-196-03 shows the rear access lane's visibility splay the proposal would retain to the Holcombe Road junction. This shows that, with a 2.4m set-back from the edge of Hunt Fold Road, the visibility distance would be typically as existing with 25m to the junction radii noted and visibility of the junction area beyond evident. Even though the Council indicate that a 2.4m x 33m visibility splay (measured to the correct point around the radius) is required, it provides little evidence disputing that the visibility distance shown to the junction would not be adequate. Consequently, I see little justification that the proposal would unacceptably affect the existing rear access lane's visibility splay.
18. The inclusion of the vehicle parking area has resulted in vehicles driving across the footpath. However, while it is contended that this has damaged the footpath, little evidence to show this to be the case has been provided. Indeed, during my visit I saw little difference between the surface condition of the footpath crossed by vehicles, including its kerbing, and those areas without a vehicle crossing. Notwithstanding this, the footpath has been modified to tie-in with the parking area and there is a need to ensure that the proposed removal of the vehicle parking area would satisfactorily reinstate the footpath. The Council has provided wording for a planning condition to secure this aspect and the appellant has, while noting there appears to be no damage to the footpath from vehicle parking, accepted this. I therefore see little reason why this matter could not be controlled by a condition were the appeal to be allowed.
19. In conclusion of this matter, with a suitably worded condition imposed for the reinstatement of the footpath, highway safety would not be harmed by the proposed development. It would not conflict with Policies EN1/2 and H2/3 of the UDP, Policies JP-C5 and JP-C6 of the PfE and the SPD which seek new development, amongst other matters, minimises negative effects on vehicle traffic and ensures pedestrian routes can be navigated easily and safely.

Other Matters

20. A representation was made that green space on housing estates has a positive effect on mental and physical health. However, while this may be the case, the proposal would only modestly reduce the existing grass verge and it would not unacceptably reduce the positive effect it would still provide to the

estate. As such, this does not change my view that the proposal would not harm the character and appearance of the area.

Conditions

21. The Council has suggested several conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of these for consistency and clarity.
22. For the avoidance of doubt and in the interests of certainty, I have included the standard time limit condition. For the same purpose, a condition is imposed requiring the development to be carried out in accordance with the approved plans. For certainty, I have noted that the material change of use to residential garden only relates to the area hatched red on drawing number ZT23-196-03.
23. To ensure the development maintains the character of the existing building and the surrounding area I have imposed a condition for the external materials to be used to match the host property. For certainty, I have also included a condition for the details to be approved with the Council for the reinstatement of the footpath following the removal of the existing vehicle parking area. As the reinstatement is related to highway safety, I have included timescales for this to be completed. The timescales are similar to the Council's suggestion but are split to allow time for the approval of the details to be completed.

Conclusion

24. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

J Symmons

INSPECTOR