

Application Number:	2017/0113	Application Type:	Full Application
Proposal:	Demolition of existing dwelling and outbuildings, and construction of new nine-bedroomed dwelling, with associated access and landscaping works	Location:	Birtle Edge House, Castle Hill Road, Bury, BL9 6UW
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	24/05/2017
Applicant:	Miss Natasha and Melissa Watkin	Determination Expiry Date:	31/05/2017
Agent:	Mr Matthew Allen (Wyvern Architects)		

Contact Officer:	James Dalglish	Telephone:	01706 238643
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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input checked="" type="checkbox"/>
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION(S)

Approve full planning permission subject to the conditions.

2. SITE

The application relates to a currently vacant three-bedroomed bungalow with white rendered elevations and a blue slate roof, set in its own grounds to the east side of Castle Hill Road / Scotland Lane. The property is in a relatively elevated position, overlooking Walmersley Golf Course.

The site is accessed via a private driveway leading off Castle Hill Road which is a narrow single-lane road. The grounds of the property are landscaped and feature areas of grassed lawn, with Rhododendron bushes and other small trees around the perimeter. There are three outbuildings (one of which is a garage) located to the rear of the house.

The site is located in an area of countryside designated as Green Belt.

3. RELEVANT PLANNING HISTORY

2016/0032 - Alterations and extension to house, demolishing and replacement of concrete garage and building a subterranean therapy pool (Approved but not implemented)

4. THE PROPOSAL

Planning permission is sought to demolish the existing bungalow and outbuildings, and construct a new nine-bedroomed dwelling in its place. A new larger dwelling on the site is proposed in order to accommodate the needs of the two applicants who are disabled. It is intended that the applicants, their family and carers would reside in the dwelling.

The proposed dwelling would be a bungalow, with additional rooms within the roof space. The dwelling footprint would be slightly larger than that of the existing dwelling, but would project further to the east where there would be a large integral double garage. The proposed dwelling would have a ridge height of around 7 metres, and an eaves height of around 2.5 metres.

The dwelling would be faced in a combination of natural coursed stone and white render, with a natural blue slate roof. The windows and doors would be grey aluminium units. In terms of fenestration, the dwelling would have several sets of bi-folding doors, sets of two and three-light windows, main doors, and roof lights on three elevations. On the south-facing side elevation, the roof would incorporate solar photovoltaic panels.

The scheme also includes landscaping and access works, including the widening of the existing driveway in two locations to create six new parking spaces. The embankment to the north east of the property would be excavated (and retained by a gabion wall) to provide space for a widened driveway leading to the garage. Around the perimeter of the house, there would be textured concrete flag paving.

Following discussions between the case officer and the applicants' agent, amended plans have been received which include slight alterations to the proposed roof pitch in order to reduce the volume of the proposed dwelling. Calculations have been submitted which show that the volume of the proposed dwelling (including its integral garage) as amended would be around 32.8% larger than the volume of the existing dwelling and garage.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

Section 1 – Building a Strong, Competitive Economy

- Section 3 – Supporting a Prosperous Rural Economy
- Section 4 – Promoting Sustainable Transport
- Section 6 – Delivering a Wide Choice of High Quality Homes
- Section 7 – Requiring Good Design
- Section 9 – Protecting Green Belt Land
- Section 10 – Meeting the Challenges of Climate Change, etc.
- Section 11 – Conserving & Enhancing the Natural Environment
- Section 12 – Conserving & Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 5 – South West Rossendale
- Policy 1 – General Development Locations and Principles
- Policy 9 – Accessibility
- Policy 16 – Conserving and Enhancing the Built Environment
- Policy 18 – Biodiversity, Geodiversity and Landscape Conservation
- Policy 19 – Climate Change and Low and Zero Carbon Sources of Energy
- Policy 21 – Supporting the Rural Economy and its Communities
- Policy 23 – Promoting High Quality Designed Spaces
- Policy 24 – Planning Application Requirements

Other Material Considerations

- National Planning Practice Guidance (2014)
- RBC Alterations and Extensions to Residential Properties SPD

6. CONSULTATION RESPONSES

Consultee	Comment
LCC (Highways)	No objection subject to conditions
United Utilities	No objection
Bury MBC	No comments have been received.
Rochdale MBC	No objection, requests that consideration is given to the impact on the nearby Rochdale Green Belt.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 31/03/2017 and four neighbour letters were sent out on 28/03/2017.

Five letters of objection and one other representation have been received, raising the following points:

- Questioning the need to replace the existing dwelling.
- The existing dwelling has some historical significance and it was the childhood home of the late Victoria Wood, so should be preserved.
- Impact of construction traffic on access along the narrow lane leading to the site which serves several other properties, and associated risks to highway safety.
- Noise pollution from demolition / construction works.
- Generation of a large amount of traffic on a narrow lane (which is also a bridleway) from the proposed 9-bedroomed dwelling.

- Impacts on privacy for neighbouring residents.
- Disturbance to farm animals from demolition / construction noise, which could affect the local agricultural economy.
- The new dwelling would not be in keeping visually with its surroundings.

8. REPORT

The main considerations in this case are as follows:

- 1) Principle; 2) Visual Amenity , Countryside and Heritage Impact; 3) Neighbour Amenity; 4) Access, Parking and Highway Safety

Principle

The application site is located within the countryside on land designated as Green Belt.

Paragraph 87 of the Framework states:

“As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

The proposed scheme is for the benefit of two severely disabled sisters with cerebral palsy who both require 24 hour care. The scheme would provide the required support facilities for the sisters and enable them to live together with their carers, their mother and their other family members who would provide care and support.

Paragraph 89 of the Framework goes on to state:

“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*

The Council do not have a specific figure in respect of what would constitute ‘materially larger’ in respect of replacement dwellings/ buildings within the Green Belt however the Council’s Alterations and Extensions to Residential Properties SPD sets out that proposals for domestic extensions in the Green Belt should not normally exceed a third of the volume of the original dwelling. This judgement is also considered a suitable measurement in respect of assessing replacement buildings.

In line with paragraph 89 of the Framework, the proposed dwelling would be in the same use as the one it replaces (a dwelling), and volume calculations have been submitted which demonstrate that the dwelling would be 32.8% larger by volume than the existing dwelling.

In this case, the applicant’s baseline volume calculations include the volume of the existing detached garage (but do not include the volume of the other existing outbuildings on the site). It is accepted that the existing detached garage is a normal adjunct to the existing dwelling, and is read together with the dwelling in views of the property from the surrounding area. As such it is considered acceptable in this case to accept the inclusion of its volume (86.9m³) within the baseline figure used in the calculations.

The proposed dwelling is within the same use as the building it replaces and would not be materially larger in accordance with the Framework.

Visual Amenity, Countryside and Heritage Impact

Paragraph 17 of the Framework includes 12 core planning principles including [planning should]:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

Paragraph 58 of the Framework aims to ensure that developments:

- Will function well and add to the overall quality of the area;
- Respond to local character and history, and reflect the identity of local surroundings and materials;
- Are visually attractive as a result of good architecture and appropriate landscaping.

Core Strategy Policy 18 (Biodiversity, Geodiversity and Landscape Conservation) states that the Council will seek to avoid any harmful impacts of development on all aspects of Rossendale's natural environment – including its biodiversity, geodiversity and landscape assets. The Council will expect any development proposals to safeguard and enhance landscape character.

Core Strategy Policy 21 (Supporting the Rural Economy and its Communities) states that strict consideration will be given to the impact of rural development on the countryside.

It has been established in case law that openness and visual impact are different concepts in terms of Green Belt Policy. However they can relate to each other and as such the visual impact is a material consideration. In *Heath & Hampsted Society v LB of Camden* [2007] EWHC 977, the difference between openness and visual impact was explained as follows:

21. Paragraph 3.6 is concerned with the size of the replacement dwelling, not with its visual impact. There are good reasons why the relevant test for replacement dwellings in the Green Belt and Metropolitan Open Land is one of size rather than visual impact. The essential characteristic of Green Belts and Metropolitan Open Land is their openness ... The extent to which that openness is, or is not, visible from public vantage points and the extent to which a new building in the Green Belt would be visually intrusive are a separate issue... The fact that a materially larger (in terms in footprint, floor space or building volume) replacement dwelling is more concealed from public view than a smaller but more prominent existing dwelling does not mean that the replacement dwelling is appropriate development in the Green Belt or Metropolitan Open Land.

22. The loss of openness (ie unbuilt on land) within the Green Belt or Metropolitan Open Land is of itself harmful to the underlying policy objective. If the replacement dwelling is more visually intrusive there will be further harm in addition to the harm by reason of inappropriateness, which will have to be outweighed by those special circumstances if planning permission is to be granted (paragraph 3.15 of PPG 2, above). If the materially larger replacement dwelling is less visually intrusive than the existing dwelling then that would be a factor which could be taken into consideration when deciding whether the harm by reason of inappropriateness was outweighed by very special circumstances.

When interpreting paragraph 89 of the Framework the Judge in *Timmins v Gedling BC and Westerleigh Group Limited* [2014] analysed the relationship between openness and visual impact. He held inter alia:

74. Any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities. A beautiful building is still an affront to openness, simply because it exists. The same applies to a building that is camouflaged or rendered unobtrusive by felicitous landscaping.

In this case the Judge concluded that:

78. In short it seems to me that there are three points which arise from the above analysis. First, there is a clear conceptual distinction between openness and visual impact. Secondly, it is therefore wrong in principle to arrive at a specific conclusion as to openness by reference to visual impact. Thirdly, when considering however whether a development in the Green Belt which adversely impacts upon openness can be justified by very special circumstances it is not wrong to take account of the visual impact of a development as one, inter alia, of the considerations that form part of the overall weighing exercise.

The site is already occupied by a house and various detached buildings. Whilst the proposed dwelling is larger in footprint, height and massing than the existing building it is not considered that the proposed dwelling would appear significantly more prominent and is not of radically different appearance to negatively impact on the visual amenities of the area.

Although the dwelling would be larger than the existing building, the scheme involves the demolition of the existing detached garage and other outbuildings. The proposed dwelling would incorporate an integral garage, and no new detached garages or outbuildings are proposed. In terms of the scheme's impact on the openness of the Green Belt in comparison to the existing situation on site, it is considered that although the dwelling being proposed is larger, the scheme would result in a tighter clustering of massing on the site than existing - as it would not have any outbuildings which are currently spread over a relatively wide area of the site. As such, in this case it is considered that the scheme's impact on the openness of the Green Belt would not be significantly greater than existing.

It is considered that the proposed scheme is in a form which would not appear visually jarring or incongruous in its setting, and would not cause undue harm to the character and appearance of the wider countryside. The proposed design of the building and choice of construction materials (including a natural blue slate roof to match existing) will address the context of the site, and ensure a high-quality finish to the development. It is nevertheless considered appropriate to require samples of the proposed facing materials for the elevations and roof prior to the commencement of development, to ensure the acceptability of the materials in this location.

The applicant has supplied full details of proposed landscaping and planting, and it is considered that the proposed scheme is acceptable. The loss of two willow trees (one of which has already fallen over) to the rear of the existing building will not in this case cause a significant adverse effect on the site's appearance nor are these trees worthy of protection by virtue of a Tree Preservation Order.

Concerns have been raised over the demolition of the existing building, which is understood to have once been the home of Victoria Wood. However, the building is not listed, nor is it in a conservation area and whilst the representations received are noted it is not considered that refusal of the application could be substantiated on the grounds that the existing building has such historic merit that its demolition and replacement should be prevented.

As such, the scheme is considered acceptable in terms of visual amenity, countryside impact and heritage impact.

Neighbour Amenity

The proposed dwelling would not have any significant impacts on the outlook, daylight or privacy enjoyed by residents of any nearby residential properties, the nearest of which are located at least 65m to the south. Other than during the demolition / construction phase, it is not considered that the proposed development would result in any greater likelihood of increased noise generation over and above the site's current lawful use.

Given the proximity of the site to other residential properties, it is considered appropriate to include a condition restricting the hours of construction to prevent undue noise nuisance to nearby residents.

Many of the representations received from members of the public refer to access issues, which will be considered in the relevant section of the report below.

Subject to the above, the scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

Several representations have been received raising concerns over the impact of the development (particularly during the demolition / construction stage) on access along the narrow single track lane leading to the site (which also carries bridleway no. 205). It is considered that the concerns raised are valid, and that demolition / construction traffic could lead to congestion and highway safety concerns if vehicle movements are not appropriately managed.

The Local Highway Authority has no objection to the proposed development, but it has agreed that it would be appropriate to include a condition requiring that no development (including demolition) takes place until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority, and subsequently implemented during the course of development.

The proposed parking provision contained within the proposed scheme is appropriate, and the Local Highway Authority has requested a condition requiring that the proposed surfacing of the parking / manoeuvring areas be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

In order to reduce the number of pre-commencement conditions included, it is considered that it would be more appropriate in this instance to include a compliance condition requiring that the parking / manoeuvring areas be surfaced in a porous bound material and laid out in accordance with the submitted site plan prior to first occupation of the dwelling, rather requiring submission and approval of surfacing details as requested by the Local Highway Authority.

Subject to the above conditions, the scheme is considered acceptable in terms of access, parking and highway safety.

9. SUMMARY REASON FOR APPROVAL

The scheme entails the replacement of an existing building within the Green Belt, and the new building would be in the same use and would not be materially larger than the one it will replace. As such, the development is acceptable in principle. Furthermore it is considered that the

development would not unduly affect the visual amenities of the area, neighbour amenity or highway safety. Accordingly the scheme is considered to accord with the National Planning Policy Framework and Policies 1, 8, 9, 16, 18, 23 and 24 of the Council's Core Strategy DPD (2011).

10. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. The development shall be carried out in accordance with the following documents unless otherwise required by the conditions below:

- Application Form date stamped 28th March 2017 by the Local Planning Authority.
- Existing Conditions including Site Location Plan (drawing number 01B) date stamped 11th May 2017 by the Local Planning Authority.
- Proposed Elevations (drawing number 03D) date stamped 10th May 2017 by the Local Planning Authority.
- Proposed Floor Plans and Site Plan (drawing number 02D) date stamped 5th May 2017 by the Local Planning Authority.

Reason: To ensure the development complies with the approved plans and submitted details.

3. No above ground construction works in respect of the dwelling hereby permitted shall take place until details (including samples) of all proposed facing materials to be used in the elevations and roof of the proposed dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

4. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Proposed sizes, routing and timing of delivery vehicles to/from site

Reason: In the interests of highway safety.

5. Prior to first occupation of the dwelling hereby permitted, the access and parking areas shown on drawing number 02D shall be made available and surfaced in a porous bound material. The areas shall thereafter be retained for the parking / manoeuvring of vehicles.

Reason: To ensure that the development has adequate parking provision and in the interests of highway safety.

11. INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

EXISTING CONDITIONS



FRONT ELEVATION



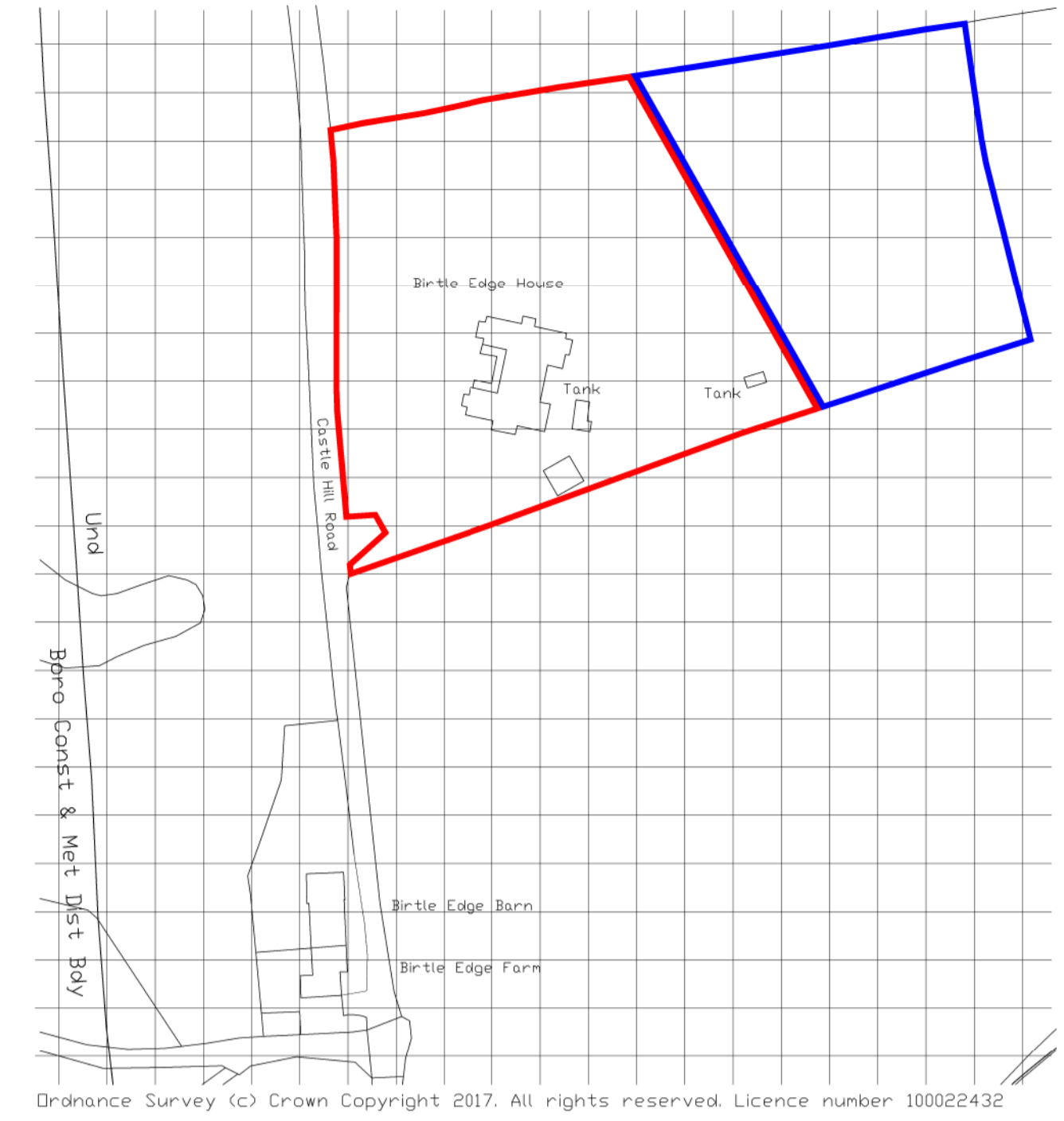
SIDE ELEVATION



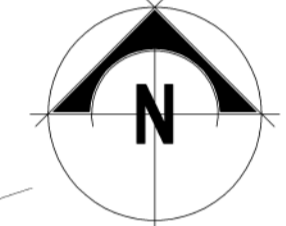
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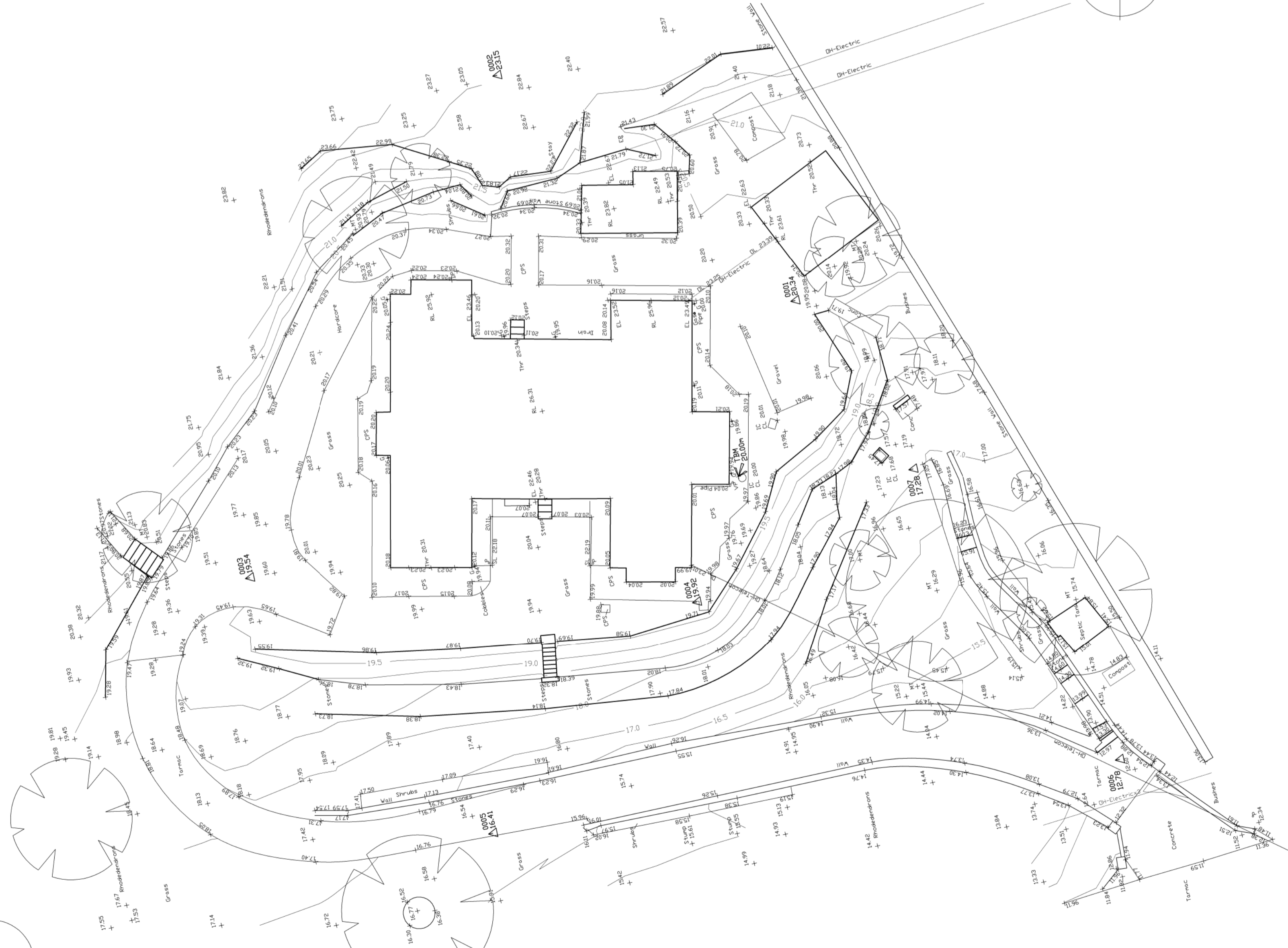
REAR ELEVATION



LOCATION PLAN 1 : 1250



FLOOR PLAN



EXISTING SITE PLAN 1 : 200

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All building work is to be completed to the satisfaction of the Local Authority Building Control Officer and in accordance with current Building Regulations and as such, additional unforeseen building works may be required on site.

The Contractor shall inspect all adjoining properties - when applicable - which may be affected by the works prior to commencement and must report any defects to the owner.

The Contractor shall be entirely responsible for the security, strength and stability of the building during the course of the works.

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B	Location plan amendment	11 May 2017
A	Road name added to Location Plan	27 Mar 2017
Rev	Notes	Date

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Project
PROPOSED REPLACEMENT DWELLING AT BIRTLE EDGE HOUSE, CASTLE HILL ROAD BURY BL9 6UW

Drawing
EXISTING CONDITIONS

Project No.	Dwg No.	Drawn By
14501A (CH)	01 B	MJA
Date	Scale	
MARCH 2017	1 : 100 @ A1	

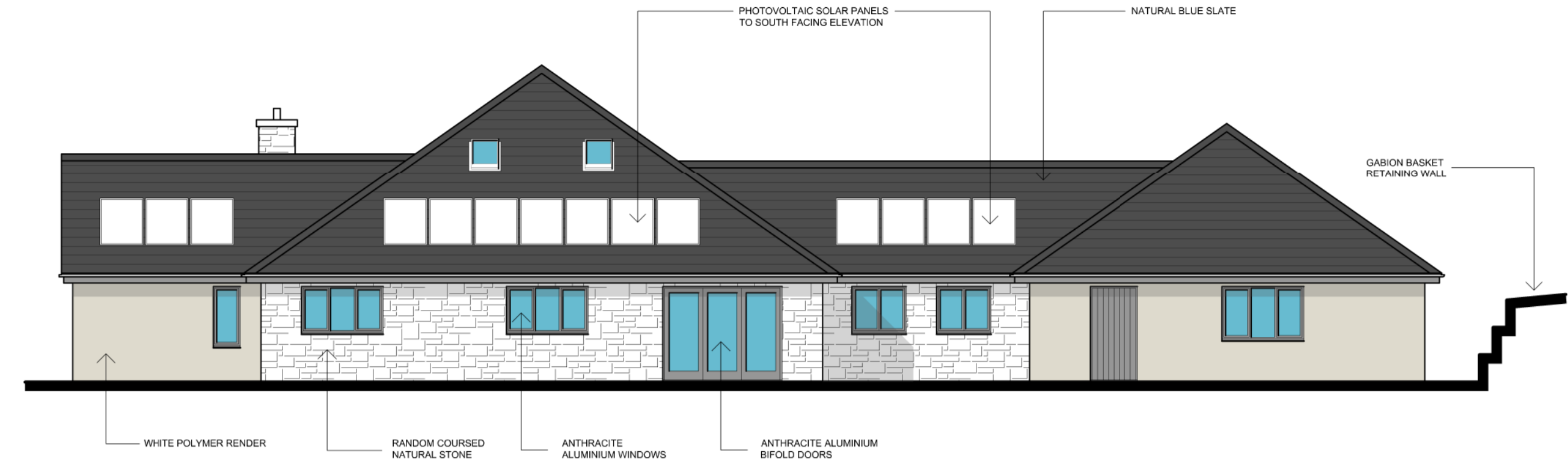
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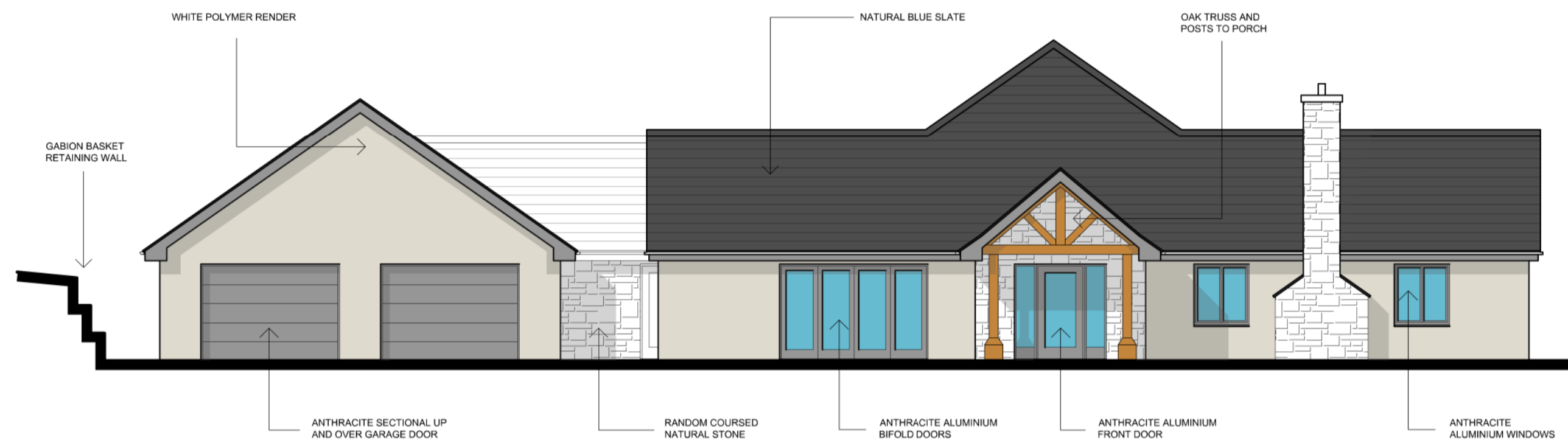
PROPOSED SCHEME



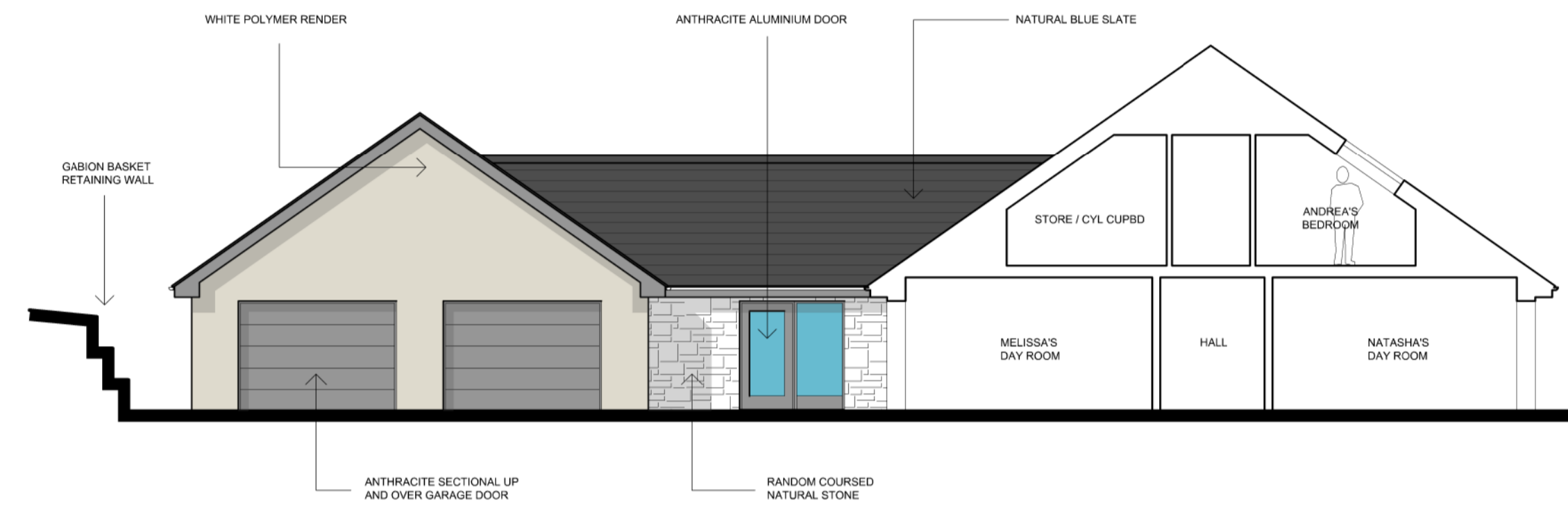
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



SECTIONAL SIDE ELEVATION



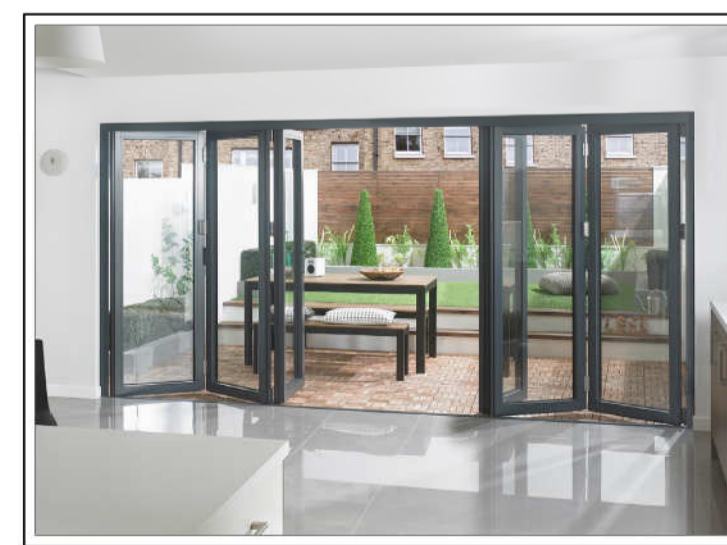
REAR ELEVATION



SECTIONAL REAR ELEVATION



NATURAL BLUE SLATE



ANTHRACITE ALUMINIUM BIFOLD DOORS



ANTHRACITE SECTIONAL UP AND OVER GARAGE DOOR



RANDOM COURSED NATURAL STONE



WHITE POLYMER RENDER



ANTHRACITE ALUMINIUM WINDOWS



ANTHRACITE ALUMINIUM FRONT DOOR

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D.	Roof finish amended to natural blue slate.	10 May 2017
C.	Garage roof pitch reduced and hipped at rear. Pitch to garage link reduced.	03 May 2017
B.	Side panels added.	10 Feb 2017
A.	Scheme revised.	07 Feb 2017
Rev:	Notes:	Date:

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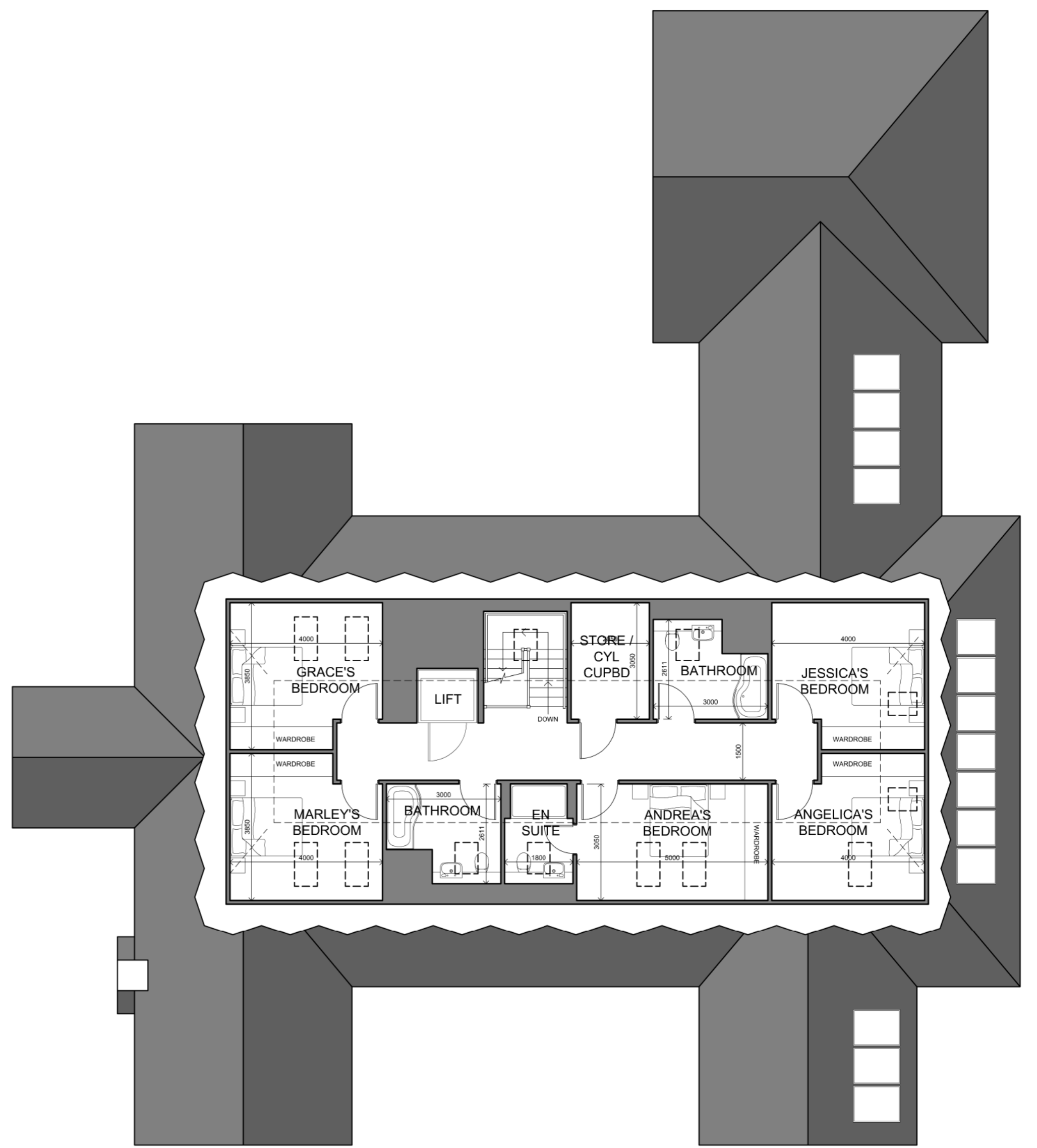
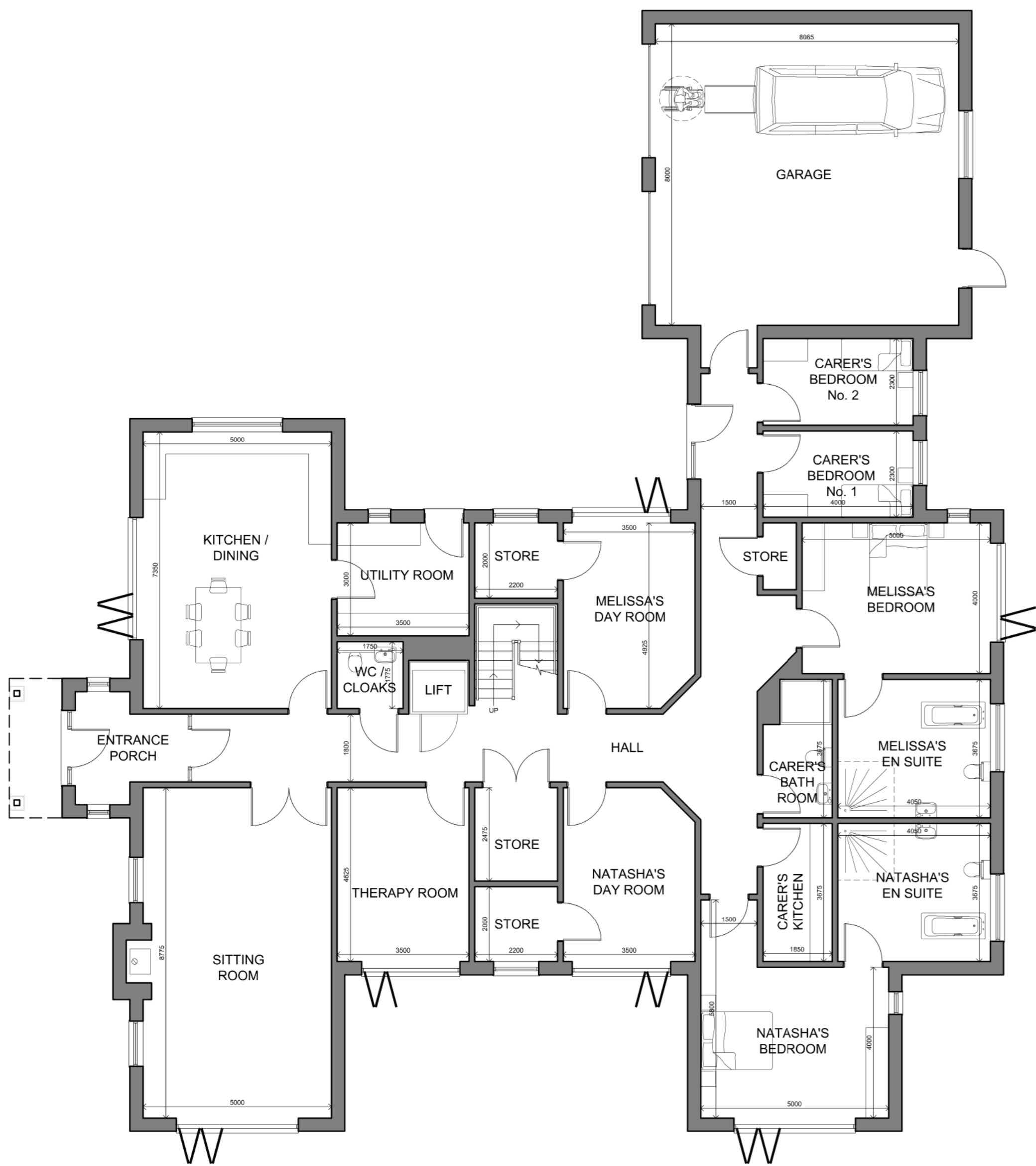
Client
NATASHA & MELISSA WATKIN

Project
PROPOSED REPLACEMENT DWELLING AT BIRTLE EDGE HOUSE, CASTLE HILL ROAD BURY BL9 6UW

Drawing
PROPOSED ELEVATIONS

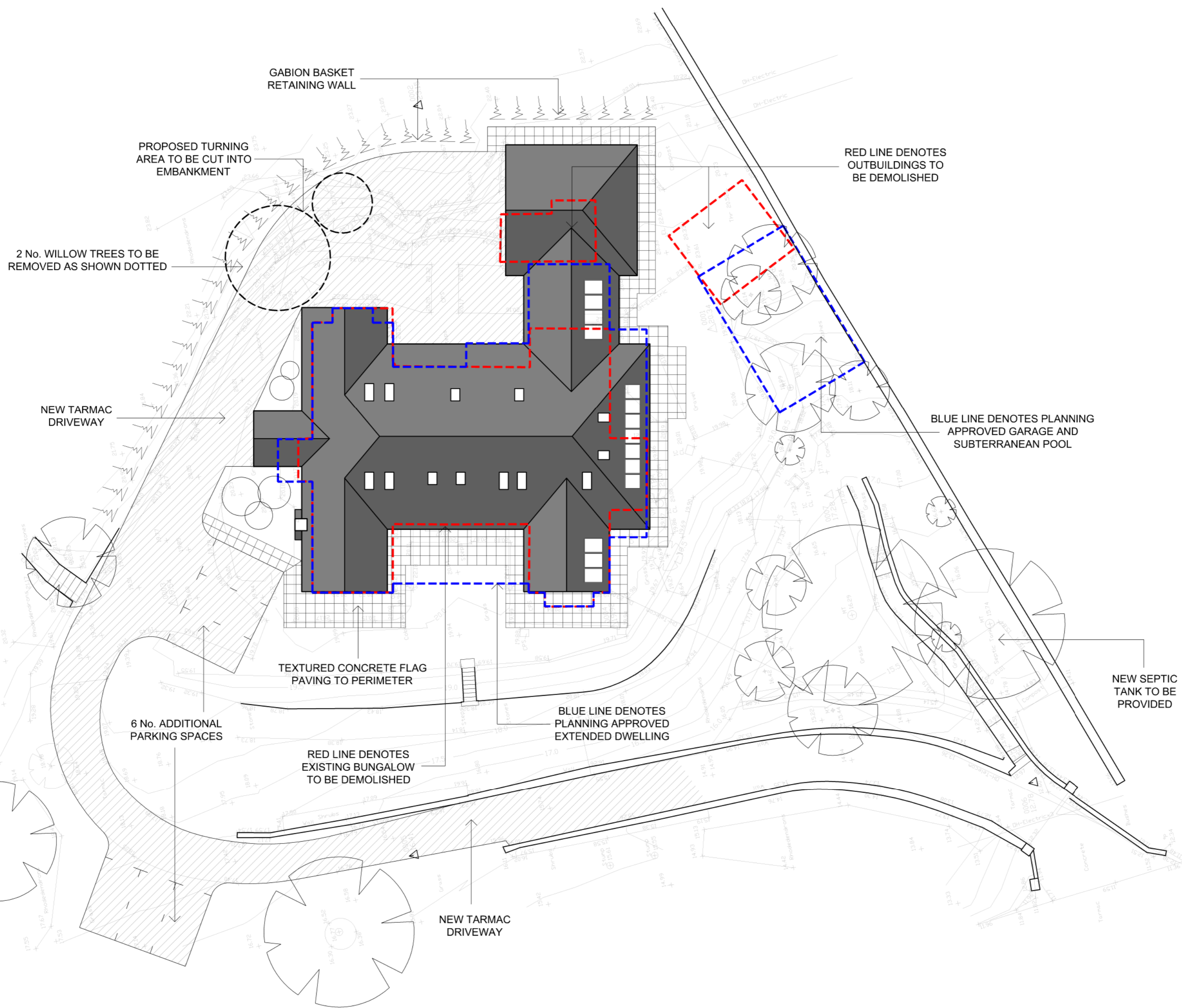
Project No.	Dwg No.	Drawn By
14501A (CH)	03 D	MJA
Date	Scale	
FEBRUARY 2017	1 : 100 @ A1	
Registered Office Registered in England Registration No. 4987266	Directors Michael F. Valentine Thomas M. Walters Steven B. Woodley Alan A. Robinson	

PROPOSED SCHEME



PROPOSED GROUND FLOOR PLAN

PROPOSED FIRST FLOOR PLAN



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Rev.	Notes	Date
D.	Change roof pitch reduced and topped at rear. Pitch to garage link reduced.	05 May 2017
C.	Hard landscaping identified.	27 Mar 2017
B.	Solar panels added.	10 Feb 2017
A.	Scheme revised.	25 Jan 2017

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Project
PROPOSED REPLACEMENT DWELLING AT BIRTLE EDGE HOUSE, CASTLE HILL ROAD BURY BL9 6UW

Drawing
PROPOSED FLOOR PLANS AND SITE PLAN

Project No. 14501A (CH)	Dwg No. 02 D	Drawn By MJA
Date DECEMBER 2016	Scale 1 : 100 @ A1	
Registered Office Registered in England Registration No. 4881206	Director Michael F Valentine Thomas M Withers Steven B Woodruff Alan A Widdoway	