

Appeal Decision

Site visit made on 18 October 2016

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th October 2016

Appeal Ref: APP/N4205/W/16/3152634

5 Church Street, Farnworth, Bolton, BL4 8AG

- 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 A Mustafa against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 96149/16, dated 19 March 2016, was refused by notice dated 13 May 2016.
 - The development proposed is retention of a static caravan, canopy and attached building as a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposed development has already been implemented and the appeal is therefore retrospective in nature.

Main Issues

3. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the living conditions of neighbouring occupiers with regard to noise and disturbance.

Reasons

Character and appearance

4. The site is a former builder's yard in a backland location to the rear of Nos 5a - 9 Church Street. The site is not visible from Church Street, and only restricted views of the site are available from Peel Street. It is visible however from a number of nearby dwellings and other premises.
 5. The appeal dwelling consists of three distinct parts. These include a brick outbuilding, a static caravan containing the 2 bedrooms, and an outdoor canopied area with decking. The materials and style of each of these three elements are very different, and as a result the development has a poor quality, mismatched appearance. The property is also poorly designed in terms of its layout in that there is no internal connection between the bedrooms and the kitchen and lounge within the main body of the building. Overall the design and layout are of poor design quality. Whilst the development has only limited
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visibility from Peel Street, it is clearly visible from a number of nearby dwellings and other premises.

6. I conclude that the development unacceptably harms the character and appearance of the area. It is therefore contrary to Policies CG3 and RA2 of Bolton's Core Strategy (2011), and guidance contained in the General Design Principles Supplementary Planning Document.

Living conditions

7. The appeal dwelling includes an open canopied area that connects the rooms in the static caravan to the brick outbuilding. This layout encourages the use of the outdoor areas as additional living space, and the canopied area currently houses a number of household items.
8. A number of residential properties are located in close proximity and have habitable room windows that face the appeal site. Given the open nature of the outdoor living areas, any noise generated in this area will carry further than noise generated from inside the buildings. As a living area, this would also be subject to frequent use throughout the day and evening. It is clear from the complaints received by the Council that this arrangement is already causing disturbance to the local area. Whilst there is no unacceptable loss of privacy to neighbouring properties arising from the development, this does not alter my view that the noise and disturbance caused by the use of the outdoor living areas is harmful in this case.
9. For these reasons, I conclude that the development unacceptably harms the living conditions of neighbouring occupiers with regard to noise and disturbance. It is therefore contrary to Policy CG4 of Bolton's Core Strategy (2011).

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR