
Appeal Decision

Site visit made on 14 March 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 28 March 2017

Appeal Ref: APP/N4205/D/17/3169772
84 Rishton Lane, Bolton BL3 6QG

- 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 L Ali against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 97958/16, dated 22 November 2016, was refused by notice dated 17 January 2017.
 - The development proposed is the extension of the front single storey room.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The development for which permission is sought has already been carried out. The front extension that has been built differs from the plan that accompanied the application in that, in keeping with other houses in the terrace, it has a glazed light above the front door and the front window has a vertical emphasis. It is clear from the appellant's statement that he seeks permission for what has been built. I shall therefore determine the application on this basis rather than on what is shown on the submitted plan.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. Rishton Lane is located within an urban area of Bolton. The appeal property is located in the middle of a Victorian two storey residential terrace that occupies the southern side of Rishton Lane to the west of Finney Street. The houses are set back slightly from the back edge of the pavement and, other than at the western end of the lane, follow the same building line. Well-designed single storey bay windows to a number of the houses, set in from the side of each house and set back from the front boundary, provide visual interest and relief to a terrace of otherwise flat fronted housing.
 5. An exception to this is No 76. It has a portico in front of the entrance door and a rectangular single storey front extension that sits on the back edge of the pavement and occupies all the remaining space to the front of the house. However, the Council states that this development does not have planning permission and that the occupiers have been advised that the situation needs to be regularised. Nothing has been submitted that challenges this position.
-

As a result, its presence does not alter my assessment of the character and appearance of this residential terrace.

6. The single storey front extension to No 84 extends across the full width of the house and occupies all the space between its front elevation and the back edge of the pavement. As a consequence, it dominates the ground floor of the property and is out of keeping with the flat fronted houses and the dwellings with well-designed bay windows that characterise the rest of the terrace. Its prominent and incongruous design is readily visible in views on the approach in either direction along the lane. Whilst the glazed light above the front door and proportions of the front window are in keeping with its neighbours, this does not overcome the significant adverse effect that I have described.
7. Reference has been made to other properties on the Lane that have full width front extensions, including two shops. Such front extensions though are not a feature of the houses in the terrace of which the appeal property forms a part. Moreover, they are too few and far between to have altered the character and appearance of the area to the extent that the extension fits in.
8. The front building line to Nos 66 - 68 steps forward of the terrace in which No 84 is located. However, as this is at the western end of the terrace this does not alter my assessment of the terrace as a whole. On the opposite side of the road is terraced housing from the twentieth century. Within this terrace No 43 has been granted a full width first floor front extension on top of an existing full width ground floor front extension. This terrace though has a stepped front building line that the development would not protrude forward of. As a result, the development, unlike the front extension at No 84, would not be a prominent feature in the street scene. Consequently, reference to these other properties has not altered my findings in relation to this issue.
9. For all of these reasons, I therefore conclude that the development unacceptably harms the character and appearance of the area, contrary to policies RA1 and CG3 of Bolton's Core Strategy. Policy RA1, amongst other matters, requires that new development respects the streetscape and massing of terraced housing. Policy CG3 requires the protection of the character and appearance of a locality through high quality design that respects local design features. The development is also contrary to the supplementary planning document 'House Extensions' which, whilst supportive of rear extensions to increase the size of terraced housing, is not supportive of front extensions that harm the street scene.
10. The extension has increased the size of the living room by 3.6 square metres. By removing the internal hallway wall the size of the living room has been further increased. Although the original living room was not large, it was not so small as to be harmful to the health and wellbeing of occupiers. As a result, I attach little weight to the health and wellbeing benefits of the increase in floor space created by the front extension as a factor in favour of the development.
11. The appellant and his wife are registered as disabled. Decision makers are required by section 149 of the Equality Act 2010 to have due regard to the need to advance equality of opportunity and to eliminate unlawful discrimination in relation to, amongst others, people with disabilities. This section also requires that decision makers have due regard to fostering good relations between people who share a protected characteristic and people who do not.

12. The increase in the size of the living room as a result of the development means that if, in time, it is no longer possible for the appellant or his wife to use the stairs the room could be used as a ground floor bedroom. However, the harm that has been caused to the character and appearance of the area is significant and it is also probable that the development would remain long after the current personal circumstances cease to be material.
13. Taking all these matters into account, and having due regard to the Public Sector Equality Duty contained within section 149 of the Equality Act 2010, I find that the benefits of the extension cited in support of the appeal are insufficient to outweigh the harm that has been caused to the character and appearance of the area, contrary to the development plan.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Ian Radcliffe

Inspector