
Appeal Decision

Site visit made on 21 March 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 13th April 2017

Appeal Ref: APP/N4205/W/16/3165859

Nisa Store, 349 Chorley New Road, Horwich, BL6 6DT

- 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 Naran against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 97458/16, dated 16 September 2016, was refused by notice dated 24 November 2016.
 - The development proposed is described as “proposed conversion of outbuilding to A1 use including extending to front and raising the height to create two flats”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are, firstly, the effect of the development on the living conditions of future occupiers of the apartments with regard to outlook, privacy, and noise, and secondly, whether the development would prejudice highway safety.

Reasons

Living conditions

3. The development would extend the height of the existing building and would introduce two one-bedroom apartments at first floor level. These would each have bedroom windows facing inwards towards the side of the Nisa store. In addition, a lounge window for the rear apartment would be positioned in close proximity to the rear boundary.
 4. The separation distance between the proposed bedroom windows and the side of the Nisa store would be significantly below the minimum distances set out in the General Design Principles Supplementary Planning Document (SPD) (2015). The bedroom window to the rear apartment would have a particularly short separation distance. This would result in an unacceptably poor level of outlook from these windows. In addition, with the exception of the top panel the majority of these windows would be obscurely glazed. This would result in a very limited outlook from these rooms, which would be particularly significant given they would be the only (and therefore main) bedroom in each property.
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5. The proposed bedroom windows would face onto windows in the side of the Nisa store. Whilst the appellant has provided an internal drawing to show that these windows serve store rooms, they would still afford elevated views into the bedrooms through the clear top panels. Given the short distance between the two buildings, this would unacceptably harm the privacy of future occupiers of the development.
6. The proposed bedroom windows would also be in close proximity to external plant at the Nisa store, including 2 units mounted on the side wall facing the appeal building. The appellant states that these units have not caused a disturbance to the existing first floor apartment above the Nisa store. However, I note from the internal drawing of that property that the units are positioned next to store rooms rather than habitable rooms. In addition, whilst the background noise associated with the road is significant during the day and into the evening, one of the units operates continuously throughout the night when traffic would be low. In these circumstances, and in the absence of more detailed information, I am unable to conclude that the noise levels would be acceptable. In this regard, the submitted technical sheet is not an adequate substitute for a noise assessment. Nor is this matter capable of being dealt with by condition as, in the absence of more detailed information, it is unclear whether it would be possible to mitigate any adverse effects.
7. Separately, the living room window to the rear apartment would be in close proximity to the boundary, near to a row of conifers. However, the conifers would only partially affect the outlook from this room, which would otherwise be acceptable. Any affect on natural light levels would also be modest given the position of the conifers to the side. The outlook from, and natural light to, this room would be acceptable in my view.
8. Whilst the development would help to ensure the re-use of a vacant building, that does not outweigh the concerns I have identified above. Furthermore, it is not clear that the current scheme is the only means of bringing the building back into use, or that alternatives have been fully explored.
9. For the above reasons, I conclude that the development would result in unacceptable living conditions for future occupiers of the apartments with regard to outlook, privacy, and noise. It would therefore be contrary to the relevant sections of Policy CG4 of Bolton's Core Strategy (2011) and guidance contained in the General Design Principles SPD (2015). This policy and guidance seek to ensure, amongst other things, that new development protects amenity and incorporates adequate separation distances.

Highway Safety

10. The appeal site is located on a main road with limited availability of parking. The development does not propose any dedicated offsite parking for either of the apartments. In addition, the proposed retail unit would utilise part of the existing yard for servicing.
11. It is not in dispute that the appeal site is in an accessible location close to services and facilities, and is well served by public transport. The two apartments would also be one-bedroom dwellings that would be aimed at single persons or couples rather than families. They would therefore be unlikely to generate a significant demand for parking. Whilst no dedicated offsite parking would be provided, there is unrestricted parking on a number of

the surrounding streets. This would be sufficient to accommodate any parking demand arising from the development in my view.

12. The majority of the cobbled yard area would be used to service the proposed retail unit. This area is large enough to accommodate the size of vehicle that would be expected to service a small unit such as this. Should larger vehicles be required, then serving could be taken directly from the road which is wide in this location. I further note that other nearby units are serviced in this way. The Council has not provided any evidence or analysis that such an arrangement would result in highway safety issues, and I do not consider that it would do so.
13. I conclude that the development would not prejudice highway safety. It would therefore accord with the relevant sections of Policies P5, S1, and CG4 of Bolton's Core Strategy (2011). These policies seek to ensure, amongst other things, that new development provides adequate parking and servicing arrangements.

Other Matters

14. Whilst the development would increase the height of the existing building, there would be no unacceptable loss of light or overshadowing to neighbouring properties. In this regard, I note that the Council did not raise an objection on these grounds.
15. Whilst the development would also have appropriate opening hours, and would provide adequate amenity space, these are ordinary requirements for new development. This represents an absence of harm, rather than a positive benefit, in relation to these matters.
16. The proposed dwellings would not meet the definition of 'affordable housing' set out in Annex 2 of the National Planning Policy Framework. They would not therefore contribute to meeting affordable housing need in the area.
17. It is not in dispute that the Council is able to demonstrate a 5 year supply of housing land, as required by the National Planning Policy Framework.
18. Whilst I note the support of a local Councillor and the Town Council, I have come to my own view on the proposal, based on the evidence before me.

Conclusion

19. For the reasons set out above, I conclude that the development would result in unacceptable living conditions for future occupiers of the apartments with regard to outlook, privacy, and noise. Whilst there would be a positive benefit in terms of the provision of new housing in an accessible location, and the re-use of a previously developed site, this does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR