The Planning Inspectorate

Appeal Decision

Site visit made on 28 February 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 25 May 2017

Appeal Ref: APP/N4205/W/16/3164551
Toppings, Foxholes Road, Horwich, Bolton BL6 6AL

- 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 N Holt against the decision of Bolton Metropolitan Borough Council.
- The application Ref 96783/16, dated 14 June 2016, was refused by notice dated 26 September 2016.
- The development proposed is demolition of existing dwelling and construction of two proposed detached dwellings.

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling and construction of two proposed detached dwellings at Toppings, Foxholes Road, Horwich, Bolton BL6 6AL in accordance with the terms of the application, Ref 96783/16, dated 14 June 2016, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr N Holt against Bolton Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on:

   - the character and appearance of the Conservation Area;
   - highway safety.

Reasons

Character and appearance of the Conservation Area

4. The appeal site is located in the Wallsuches Conservation Area (CA). The CA is predominantly open in character with the former Wallsuches Bleachworks at its core. According to the Council's CA appraisal there is a variety of residential buildings within Wallsuches with the principal settlement focused on the Club Houses in the south western corner. The area now identified as the CA was largely developed in the late Eighteenth and early Nineteenth centuries. Twentieth Century urban development has occurred along Chorley Old Road, Mill Lane and Foxholes Lane.

5. The site falls within the Wallsuches Bleachworks and House character area where the CA appraisal states that the pattern of building and building lines vary considerably because of the piecemeal way houses have been built during the Twentieth Century. The area also contains a variety of building types and styles including suburban houses with a wide range of details and materials.

6. The appeal site comprises an existing relatively modern bungalow, set back from Foxholes Road. There is a change in levels across the site with Foxholes Road rising up south to north. The appeal site is located within a part of the CA where there is a variety of building styles and materials including traditional stone built two storey detached and terraced dwellings and more modern, one and two storey suburban style dwellings constructed from a variety of materials. I agree with the Council that the traditional buildings make a positive contribution to the character and appearance of the CA.

7. No objections were raised by the Council to the demolition of the existing bungalow and I agree with the findings of the Heritage Statement submitted by the appellant that it does not make a positive contribution to the significance of the CA.

8. Though the dwelling at Plot 1would be wider and higher than the existing bungalow and would be set nearer to Foxholes Road, its staggered frontage and varied roof form means that its scale and massing would be broken up when viewed from Foxholes Road. The dwelling would be constructed from natural stone and would incorporate traditional design features such as pitched gables and stone quoins. Sufficient space would remain for a landscaped area to the front of the dwelling adjacent to the road and it would be set back from and set at an angle to the front elevation of the terraced cottages at Foxholes Terrace, being only slightly nearer to them than the existing bungalow. Consequently having regard to the mixed character of the immediate surrounding area, I do not consider that the siting, scale, massing or design of the dwelling at Plot 1 would have a detrimental effect on the character and appearance of the area including on the CA or that it would appear incongruous in the street scene or be overbearing in comparison with traditional buildings nearby.

9. The dwelling at Plot 2 would be positioned towards the rear of the appeal site and would also be constructed from stone and incorporate traditional design features. Its position to the rear of Plot 1 and relative to Foxholes Terrace means that views of the dwelling at Plot 2 would be limited from Foxholes Road. The proposal would increase the amount of built development on the site and at the nearest point the distance between the proposed dwellings would be approximately 6 metres. However at the nearest point the dwelling at Plot 1 would be single storey and whilst some nearby dwellings are set in spacious plots, others are in much smaller plots meaning that the proposed plot sizes would not be out of keeping with the character of the surrounding area. I am satisfied that the proposal would not be a cramped form of development and that the dwellings would have sufficient sized garden areas around them. Whilst both dwellings would incorporate balconies, these are not located in prominent positions on the dwellings and due to their modest size relative to the dwellings I do not consider that they contribute significantly to the bulk or prominence of the dwellings.

10. My attention has been drawn to an appeal decision relating to a proposed dwelling at another site on Foxholes Road (Ref APP/N4205/A/04/1166458) where an Inspector found harm to the CA. However I am not aware of the details or particular circumstances relating to that case. In any event I must determine the proposal before me on its own merits.

11. Taking the above matters into consideration, I conclude that the proposal would preserve the character and appearance of the CA in accordance with the expectations of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the same reasons it would also accord with the development plan and in particular policies CG3 and OA1 of Bolton's Core Strategy (CS). These policies seek, amongst other things, to ensure that development has regard to the built character and landscape quality of the area and conserves the heritage significance of heritage assets.

Highway Safety

12. Both dwellings would have vehicular access off Foxholes Road with Plot 1 to utilise the existing access and Plot 2 to be accessed off the existing single width track positioned between Foxholes Terrace and the appeal site. Foxholes Road is surfaced, reasonably narrow in width and does not contain any pavements. The main parties agree that its width varies from a minimum of 3 metres to a maximum of 4.4 metres. Mill Lane, which links Foxholes Road to the main road of Chorley Old Road only contains a section of pavement at its junction with Chorley Old Road. Foxholes Road is subject to a 30 mph speed limit and at the time of my visit Foxholes Road and Mill Lane were reasonably quiet and any vehicles travelling along the two roads were travelling at relatively low speeds. However I appreciate that the amount of traffic using the roads is likely to vary throughout the day. I understand that Foxholes Road is regularly used by cyclists, runners and by pedestrians including children.

13. An appeal statement on Highways and Transport Matters (Highways Statement) has been submitted by the appellant. It concludes that the proposal would result in a minimal increase in vehicle movements on the local highway network, that there is no evidence that the proposal would impact on highway safety and that the proposal could be accessed safely and efficiently from the local highway network. In the main the findings of the Highways Statement have not been disputed by the Council with the exception of forward visibility along Mill Lane which the Highways Report acknowledges cannot be achieved for certain movements. However the appellant has provided evidence to show that there have been no reported accidents on Mill Lane over the last 5 years and that even if all of the forecast net increase in traffic generated by the proposal uses Mill Lane this would only equate to 12 additional daily movements.

14. I have had regard to the significant number of representations made by interested parties in relation to the proposed accesses and to the nature of Foxholes Road and Mill Lane. However I have seen no substantive evidence to contradict the findings of the appellant's Highways Statement. Whilst my attention has been drawn to previous appeal decisions relating to nearby sites where Inspectors have dismissed appeals due to concerns regarding the inadequacy of the local road network, these decisions appear to pre-date current guidelines in the form of Manual for Streets and are not therefore

directly comparable to the proposal. In any event, I must determine the proposal before me on its own merits.

15. Based on the evidence before me I am satisfied that whilst Foxholes Road and Mill Lane are narrow, undulating and winding in places and whilst there is a general absence of pavements along these roads, the proposal would be unlikely to have a detrimental impact on highway safety and on the road network and I note that the Highway Authority did not object to the application. Taking the above matters into consideration I conclude that the proposal is unlikely to have a significant adverse effect on highway safety. It therefore accords with policies P5 and S1.2 of the CS and guidance in the Council's Accessibility, Transport and Road Safety Supplementary Planning Document. These policies and this guidance seek, amongst other things, developments to take into account accessibility by different types of transport and to promote road safety.

Other Matters

16. An Inspection & Assessment in Relation to Bats report was submitted with the application and found no evidence of bat use within the existing bungalow. However the bungalow was considered to possess low to moderate potential for crevice dwelling bats and the report therefore recommended that dusk surveys be carried out to establish whether or not, and if so, how bats are using the building. Further bat surveys were carried out at dusk in July 2016 and at dawn in August 2016 and again no evidence of bat use was found. Whilst I note that the later survey recommend further survey work should the removal of the roof of the bungalow have not taken place by 1 April 2017, given that no evidence of the use of the building by bats was found by either survey I am satisfied that it is reasonably unlikely that protected species are present within the building and would be harmed by the proposal. Similarly despite concerns being raised by interested parties there is no substantive evidence that any other wildlife would be adversely affected by the proposal.

17. A number of other matters have also been raised by interested parties and I have had regard to these in reaching my decision. Firstly I note that concerns have been raised regarding the potential for overlooking of nearby dwellings and gardens from the proposed new dwellings including from balconies and the loss of privacy that this would cause. I note that the proposal would result in development positioned further back into the site and nearer to some site boundaries. Whilst this is likely to increase the amount of overlooking to some nearby dwellings and gardens, having regard to the relative position of the dwellings and neighbouring properties and the separation distances proposed, I am satisfied that any increased overlooking would not have a significant adverse effect on the living conditions of the occupiers of nearby properties. In addition whilst the proposal may be visible and affect views from nearby properties, this in itself is not a reason to withhold planning permission particularly given my findings on the impact of the proposal on the character and appearance of the area.

18. Though the access to Plot 2 would be along a narrow track adjacent to Foxholes Terrace, this track is existing and I do not consider that any additional use of it by occupiers of and visitors associated with Plot 2 is likely to be significant or harmful to highway safety. I note the concerns raised regarding restricted access for emergency vehicles but I have seen no substantive

evidence regarding this issue and note that no objections were raised to the access to the dwellings by the Highway Authority.

19. I have had regard to concerns raised in respect of the removal of trees. I note the findings of the Council's tree and woodland officer that the proposal would not result in an unacceptable loss of trees from the site and in the absence of any substantive evidence to the contrary I am satisfied that the impact of the proposal on trees would be acceptable.

20. Some concerns have been expressed regarding the loss of a bungalow, a type of dwelling that is stated to be in demand in the local area. However whilst this may be the case I am not aware of any specific Council policies that exist to protect this type of dwelling. In the absence of these, this matter is not a reason to withhold planning permission.

21. No substantive evidence has been submitted to support the concerns raised regarding surface water drainage. Therefore having regard to the nature and scale of development proposed, I do not consider that it is likely to result in any significant adverse impact on drainage and flooding or that suitable drainage could not be provided for the dwellings. Whilst the carbon footprint of the site may well increase, I have seen no evidence that this would be the case, and if so by how much it would increase and what the impact of this would be.

22. Despite a number of concerns being raised regarding inaccuracies in the planning submission, I am satisfied that I have sufficient information to properly assess the proposal. I am also satisfied that allowing the appeal would not set any undesirable precedent as I consider that the proposal is acceptable for the reasons stated. Any future proposals for similar developments would need to be considered on their own merits.

Conditions

23. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the relevant plans as this provides certainty. I have also imposed the suggested conditions regarding materials, door and window specifications, levels, landscaping and boundary treatment details having regard to the site location, the scale and nature of the proposal and in order to protect the character and appearance of the area. I note that a number of conditions were suggested by the Council's tree and woodland officer and I have imposed the suggested conditions regarding tree protection and servicing details in order to protect trees that are to be retained on and off the site and to protect the character and appearance of the area. I have also imposed conditions regarding parking and the retention of garaging. This is following the advice of the Highway Authority and in order to ensure adequate parking is provided for the proposed dwellings. The nature of the levels, tree protection and service details conditions are such that they require information to be submitted prior to the commencement of any development.

24. I have not imposed the suggested condition relating to contamination as I have seen no evidence to suggest that the site is likely to be contaminated, particularly given its existing residential use. In the absence of any evidence of contamination I consider that such a condition would be unreasonable and unnecessary. No evidence has been submitted to justify the removal of permitted development rights for extensions and alterations to the proposed

dwellings. In the absence of this and having regard to the fact that such conditions will rarely pass the test of necessity and should only be use in exceptional circumstances, I have not imposed a condition removing permitted development rights.

Conclusion

25. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR

SCHEDULE OF 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 the following approved plans: PL K737/01D, PL K737/02B; PL K737/03B, PL K737/04C, PL K737/05C, PL K737/07C, PL K737/08C and PL K737/09C.

3) Before the approved development is commenced details of the existing and proposed ground levels within the site and on adjoining land including spot heights, cross sections and finished floor levels of all buildings and structures shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

4) No demolition, development or stripping of soil shall be started until:

   a. The trees within or overhanging the site which are to be retained/or are subject of a Tree Preservation Order (TPO) have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority prior to such works commencing.
   b. The approved fencing shall remain in the agreed location (in accordance with BS 5837:2012 or equivalent) until the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, including the storage of materials, or placing of site cabins, within the fenced area(s).
   c. No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

5) Prior to the commencement of development full details of the routes of all proposed services shall be submitted to and approved in writing by the Local Planning Authority. Services shall thereafter be installed in full accordance with the approved details.

6) Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted and approved in writing by the Local Planning Authority prior to the development being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of any of the buildings or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

7) Prior to the development being first occupied or brought into use, details (including a brick or masonry specification and colour scheme) of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation and retained thereafter.

8) Before the approved/permitted development is first brought into use no less than 3 car parking spaces for Plot 1 and 2 car parking spaces for Plot 2 shall be provided within the curtilage of the site. Such spaces shall be made available for the parking of cars at all times the premises are in use.

9) Prior to the development hereby approved being first occupied, full details of how the access road to Plot 2 will be laid out, constructed and surfaced shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full, as well as being made available for the use of vehicles at all times the development is in use thereafter.

10) No development shall take place above damp proof course level of the dwellings until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

11) Prior to the installation of any fenestration a detailed specification for all doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first occupied and retained thereafter.

12) The garages hereby approved/permitted shall be made available at all times for the parking of motor vehicles.