
Appeal Decision

Site visit made on 30 May 2017

by Katie McDonald MSc MRTPI

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

Decision date: 19 June 2017

Appeal Ref: APP/N4205/D/17/3171323

37 Thorn Street, Bolton BL1 8LA

- 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 S Patel against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 97881/16, dated 12 November 2016, was refused by notice dated 5 January 2017.
 - The development proposed is a garage with ancillary study room in loft.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be the effect of the proposed garage upon;
 - i) the character and appearance of the area; and
 - ii) the living conditions of nearby residents, with particular reference to outlook.

Reasons

Character and appearance

3. The dwelling is a substantial, relatively modern, detached house set within a cul-de-sac of detached and semi-detached dwellings. The area is residential in character. The detached garage would be sited to the rear of the property, adjacent to neighbouring boundaries with 35 Thorn Street and 10 and 12 Dorking Close.
4. The rear gardens in the immediate vicinity feature no outbuildings of significant scale. The openness of the rear gardens is particularly noticeable from an elevated position at the end of Fir Street.
5. The scale and mass of the garage would be significant due to its length and height. Accommodation is proposed in the roof space, resulting in a substantially greater eaves and apex height than typically associated with a domestic garage. It would occupy a sizeable amount of rear garden and introduce an uncommon feature in this location, which would also be visible from Fir Street. Together, I consider that these elements of the scheme would result in an incongruous addition that would dominate the setting.

6. Due to the proposal's siting entirely to the rear of the property, I do not find that it would be highly visible within the street scene between No 35 and 37 Thorn Street; nor from Dorking Close due to the layout of the dwellings, and consequently I find there would no harm to the street scene from these locations.
7. Notwithstanding my conclusions with regards to the street scene, I find that the development would harm the character and appearance of the area, conflicting with Policies CG3 and RA1 of the Local Development Framework Bolton's Core Strategy Development Plan Document (adopted March 2011) (Core Strategy), which require that development is compatible with the surrounding area in terms of scale and massing.

Living conditions

8. The proposal is located adjacent to neighbouring boundaries, where existing boundary treatments comprise approximately 1.8m high timber panel fencing. The eaves and apex height would significantly extend above existing boundary treatments to 10 and 12 Dorking Close; and the siting along the boundary with 35 Thorn Street would create a tall, elongated structure.
9. The Bolton Council House Extensions Supplementary Planning Document (August 2012) (SPD) provides guidance on separation distances when assessing the proximity of buildings and resultant living conditions. In this instance, a distance of between 9m and 13.5m would be required given that the proposal provides first floor accommodation and is taller as a result of this design feature. Whilst being guidance only, it gives a good indication that a true single storey addition may be appropriate within a distance of 9m, whereas a two storey structure would be likely to require additional space.
10. Due to the eaves and ridge height and location on the boundary, I find that the separation distance of around 9m would be inadequate. The proposal would result in the creation of a tall, solid structure on the rear boundary that would cause a sense of dominance and enclosure when viewed the rear ground floor windows of 10 and 12 Dorking Close. The orientation of the appeal site in relation to 10 and 12 Dorking Close would further exacerbate this issue, causing overshadowing. I find that this impact would cause significant harm to the living conditions of 10 Dorking Close and 12 Dorking Close.
11. The impact upon the living conditions of 35 Thorn Street would be somewhat mitigated by the driveway and position of the dwelling's windows. The existing driveway would provide an element of separation between the structure and the dwelling, and the rear windows would not directly face the garage. Whilst I note the Council's concerns regarding the 45 degree infringement from the rear windows of 35 Thorn Street, I do not consider that this proposal would have a harmful impact upon living conditions due to the existing boundary treatment and separation between structures. Thus, I consider the impact upon the outlook of this property would be acceptable.
12. Notwithstanding my findings towards 35 Thorn Street, I consider that the proposal's height would have a harmful impact upon the living conditions of 10 and 12 Dorking Close. Therefore, I find conflict with Policy CG4 of the Core Strategy and the SPD, which seeks to ensure that new development protects amenity.

Other matters

13. The appellant's agent has highlighted that there is a concern with vehicle crime and theft in the area. The garage would ensure that the appellant could store his vehicle in a convenient secure place, resulting in a lower priced insurance premium. I have considered this in the balance of my assessment, but it does not outweigh my findings in respect of character and appearance and living conditions.
14. The appellant's agent has also detailed other similar developments in the area. I have limited information about these additions and they are located in different settings. As such, they do not lead me to a different view in this case.

Conclusion

15. While the development would not have an undue harmful effect on living conditions at 35 Thorn Street, this lack of harm is far outweighed by that I have identified in relation to the character and appearance of the area, and also the harm to living conditions at 10 and 12 Dorking Close. Having had regard to all other matters raised, and for the reasons above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR