



Appeal Decision

Site visit made on 25 October 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 31st October 2017

Appeal Ref: APP/N4205/D/17/3180916
24 Aire Drive, Bolton BL2 3FX

- 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 Mrs V Amatt against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 00685/17, dated 9 April 2017 was refused by notice dated 16 June 2017.
 - The development proposed is a 2 storey extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 8 Wrath Close with particular regard to outlook and light.

Reasons

3. The appeal relates to a two-storey, semi-detached dwelling in a predominately residential area. It is proposed to construct a two-storey extension to the side of the property, between the existing flank wall and the rear boundary of the garden of the two-storey detached dwelling, 8 Wrath Close. No 8 contains a large, ground floor conservatory which is mostly glazed and serves a living room, whilst the property also has windows in the rear at first floor.
4. The proposed extension would increase the width of the appeal property, bringing the flank wall closer to No 8. It would project around 2.6m from the side of the property with a depth of around 8.12m. Moreover, the separation distance between the extension and No 8 would be around 10.9m. This would fall short of the 13.5m guideline set out in the Council's House Extensions Supplementary Planning Document 2012 (SPD).
5. I note paragraph 4.7 of the SPD indicates that the figure should not be read as a minimum standard and that account should be taken of other factors, including the presence of screening. Whilst there is some high vegetation on the boundary, it does not extend the full width of the garden and would not, as such, fully screen the extension from No 8. In any event, the vegetation lies within the garden of No 8 and the appellant would have no control over its retention. As a result, I find the extension would appear as an unduly dominant and large expanse of unrelieved built form, in unacceptably close proximity to the windows in the rear of No 8 at ground and first floor level.

6. The appellant suggests that the Council has identified the first floor windows as the only source of concern. However, it seems to me from the correspondence provided that the Council's reference to the first floor windows was to clarify the measurement of the separation distances, not to clarify its cause for concern. Regardless, I find the outlook from the ground floor of No 8 would be similarly impacted upon by the proposal due to the two-storey nature of the extension and its proximity to the conservatory.
7. The appellant points to the SPD which prescribes a separation distance of 9m where a main window faces a wall of a single storey structure. Whilst I note the appellant's interpretation of the guidance, in this instance the proposed extension would be two storeys and the neighbouring property also two storeys. As set out above, I consider the impacts of the proposal cannot reasonably be confined to those on the first floor windows of No 8. As such, it follows that I consider the guidance in respect of single storey structures is not wholly relevant in this instance.
8. The extension would be sited to the south-east of No 8. However, I agree with the appellant that No 8 is likely to benefit currently from good levels of daylight given its size and amount of glazing. As the extension would not increase the height or the depth of the existing property, the levels of daylight and sunlight received by No 8 are unlikely to be harmfully reduced by the extension.
9. Nevertheless, I conclude, for the reasons above, that the proposal would have a harmful effect on the living conditions of the occupiers of 8 Wrath Close with particular regard to outlook. That is the prevailing consideration. As a consequence, the proposal would conflict with Policy CG4 of the Bolton Core Strategy 2011 which seeks to ensure that new development is compatible with surrounding occupiers and protects residential amenity. It would also conflict with paragraph 17 of the National Planning Policy Framework which seeks a good standard of amenity for all existing occupiers of buildings.

Other Matters

10. I recognise the proposal is sought to provide additional living space for the appellant and her family. However, such benefits would not outweigh the harm I have identified in relation to the living conditions of neighbouring residents nor would the lack of harm to the character and appearance of the area. I also note a two-storey extension was permitted at the adjoining property, No 26 in 2014. However, it seems to me that Council found the separation distances in that instance to be around 12.1m, in contrast to the 10.9m here. As such, the two cases do not appear to be directly comparable and, in any event, I have considered this proposal on its own merits.

Conclusion

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

Jason Whitfield

INSPECTOR