



Appeal Decision

Site visit made on 24 June 2019 by G Sibley MPLAN MRTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

Appeal Ref: APP/N4205/D/19/3222109

5 Carlton Avenue, Bolton, BL3 4JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Jonny Nelson against the decision of Bolton Metropolitan Borough Council.
 - The application Ref: 04594/18, dated 19 September 2018, was refused by notice dated 13 December 2018.
 - The development proposed is proposed erection of new annexe building at rear of garden.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The appellants have submitted a revised plan, but it hasn't been consulted on as part of the application process. Interested parties would be prejudiced if that plan were accepted. A flat roofed option and the potential relocation of the annexe has been suggested, but I will evaluate the proposal having regard to the scheme which the Council made their decision on.

Main Issue

4. The impact of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

5. The proposed two-storey annexe would be located to the rear of No.5, which is an end terrace property with a narrow garden that extends out to the side of the property. The surrounding area is characterised by properties with spacious front and rear gardens. Whilst the wider area may have been built at a higher density, this is not the character associated with the appeal site.
6. The annexe would be located within the far corner of No. 5's garden. It would not be overly visible from Carlton Avenue, but it would be noticeable when looking directly at the dwelling. It would be slightly shorter, and it would be built a short distance from the conservatory, and the materials used in the design would mimic the host property. The appellant argues that the outbuilding would be subservient. However, due to its

scale and external appearance it would not appear as a domestic structure linked to No. 5.

7. Back Wigan Road is generally characterised by the rear gardens of the properties. Apart from the Bolton Olympic Wrestling Club on Back Wigan Road, the northern side of the road is bounded by fencing and hedgerows and the occasional single-storey outbuilding. The annexe would appear as a standalone building. It would stand out as a large structure within the garden on the southern side of Back Wigan Road and Winnard Street. Whilst outbuildings can be found in rear gardens, these are likely to be domestic in scale. There do not appear to be any two-storey outbuildings. Given its location, the proposed structure would be prominent in views from public vantages and have a visually jarring effect because of its scale. The inclusion of a two-storey building built up against the roadside would appear out-of-keeping with the pattern of settlement. The development would fail to meet with the aims and objectives of The General Design Principles and Housing Extensions Supplementary Planning Documents.
8. The appellant refers to approval for dwellings within the garden to No.8 Carlton Avenue and 41 Seymour Road. Based on the available evidence, in comparison the gardens appear significantly larger. There may well be similarities in terms of design and layout, nonetheless, each proposal should be assessed upon its own merits. The Council granting of planning permission for a similar scheme does not justify the grant of planning permission for visually harmful development.
9. The appellant submits there is a pressing need for the proposed outbuilding and that personal circumstances require this size and design to provide ancillary residential accommodation for a main carer. The argument is that the use of the annexe could be conditioned. The Council's supplementary planning guidance is sympathetic to the additional needs of people with disabilities. However, the annexe would remain long after personal circumstances which, though important, would be subject to change. I sympathise with the particular needs of the appellant, but the Planning Practice Guidance explains personal circumstances will 'scarcely ever' serve to justify a permanent building¹. Limited weight is given to the personal circumstances presented.
10. For the above reasons, I find that the proposed development would have a visually harmful impact upon the character and appearance of the site and surrounding area. Accordingly, it would conflict with Policy CG3 of Bolton's Core Strategy Development Plan Document.

Conclusion and Recommendation

11. Having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G. Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR

¹ Reference ID: 21a-015-20140306.