
Appeal Decision

Site visit made on 2 July 2019

by Karen Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/N4205/W/19/3226558

Land at former Horwich Loco Works, Chorley New Road, Horwich, Bolton BL6 5UE

- 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 Bellway Homes Limited (Manchester Division) against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 04445/18, dated 29 August 2018, was refused by notice dated 20 December 2018.
 - The development proposed is the erection of two residential units.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's third reason for refusal related to contamination. However, during the appeal process the appellant supplied an Investigation Report concerning the contamination. The Council subsequently advised that were I to allow the appeal then the issue of contamination could be dealt with by condition and I have no evidence which would lead me to an opposing view.

Main Issues

3. The main issues are the effect of the development upon the character and appearance of the area; and the effect upon living conditions of future occupiers, with particular reference to outlook.

Reasons

Character and appearance

4. The appeal site is part of a larger residential development currently under construction and lies opposite a large industrial style building known as Rivington House. In the original planning permission, the site was identified as a landscaped arrival green public space. It would have had a boulevard style trees to the front and the intention was that it would, notwithstanding the several relatively small buildings, be seen as providing a positive open and green approach to the residential estate, alleviating the presence of Rivington House opposite.

5. By contrast, the proposed dwellings, although of an acceptable design in themselves, would replace the open green space with built form. They would also be relatively close to the road, and their frontage would be out of alignment with the houses further along Rivington Chase (plots 108-112). Their siting would appear at odds in an awkward and isolated position having no relationship to existing residential development and would be harmful to the character and appearance of the street scene.
6. The proposals, therefore conflict with policies CG3 and OA1 of Bolton's Core Strategy (2011), and the guidance contained within The Former Horwich Loco Works, SPD, (2012). The policies, when taken together, seek development proposals that conserve and enhance local distinctiveness and character of the existing landscape and physical environment, including development has regard to the overall built character and landscape quality and respects street patterns. The policies are broadly consistent with the design objectives of the National Planning Policy Framework, 2019 (the Framework) and its approach relating to achieving well-designed places.

Living Conditions

7. The proposed dwellings would be directly facing the two storey brick building of Rivington House. This building is substantial and is of an imposing scale. The height and mass of this building dominates the street scene and creates overshadowing to the road and the site frontage. The dwellings would only be some 14.5m distance from this. This would result in a bleak and overpowering outlook from the front of the dwellings and due to the height would reduce some natural light for any future occupiers. Because of this the living conditions of future occupants of the proposed development would be unduly harmed.
8. The appellant has referred to similar distances on nearby plots on the larger development. However, these plots have their side elevations facing Rivington House. Furthermore, whilst similar distances may be a typical characteristic of Bolton this does not outweigh the harm that I have identified.
9. The proposed development would therefore conflict with Policy CG4 of Bolton's Core Strategy (2011), which aims to ensure development is compatible with surrounding land uses and occupiers and protecting amenity.
10. Given that the windows of the habitable rooms of the proposed dwellings would directly face the large openings of Rivington House, there would also be conflict with the Councils Supplementary Planning Document entitled General Design Principles. This promotes a minimum window to window distance of 21 metres.

Other Matters

11. The proposed development would be situated on an un-classified road and the driveways could be designed to ensure suitable manoeuvrability to prevent road safety implications. Whilst this could be secured by condition it would not outweigh the other harm that I have identified.
12. The site is directly adjacent to the Horwich Loco Works conservation area which is characterised by primarily industrial buildings, particularly the substantial brick constructed Rivington House facing the site. The design and materials of the proposed dwellings would not alter this character and would therefore preserve the setting of the conservation area.

Planning Balance

13. I have found that the harm to the character and appearance of the area identified would be significant and that the effect upon living conditions of future occupants unacceptable. Against this has to be balanced the factors in favour of the proposed development.
14. The provision of two additional dwellings would make a positive contribution to the Council's housing land supply shortage when weighed in the overall planning balance, albeit that the contribution would be limited due to the quantum of development proposed. There would be a small social benefit in providing the two housing units. Economic advantages would also arise from the construction and occupation of new houses.
15. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development.

Conclusion

16. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Karen Taylor

INSPECTOR