



Appeal Decision

Site visit made on 1 August 2019

by D Child BA BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2019

Appeal Ref: APP/N4205/D/19/3227338 15 Browning Close, Bolton BL1 3XF

- 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 Hussain against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 04887/18, dated 30 October 2018, was refused by notice dated 11 February 2019.
 - The development proposed is a two-storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a two-storey rear extension, at 15 Browning Close, Bolton BL1 3XF, in accordance with the terms of the planning application, Ref 04887/18, dated 30 October 2018.

Preliminary Matter

2. The two-storey rear extension was built at the time of my visit. I shall proceed to consider the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of 16 Browning Close, having particular regard to outlook.

Reasons

4. The appeal dwelling is a semi-detached property of two storey construction, faced in brick, with a tile roof, situated on a cul-de-sac of similarly designed properties. From the submitted plans, the extension extends 4 metres from the rear elevation and is 4.65 metres wide, with a hipped roof that is substantially set down from the ridge of the host dwelling.
5. There is no dispute between the main parties that the development accords with the development plan, in relation to parking provision and the effect of the extension on the character and appearance of the host property and the surrounding area. However, the extension intersects a nominal 45-degree line drawn from the centre of the rear windows of the adjoining dwelling (No 16). As a consequence, there is concern that the extension is over-dominant and visually intrusive in the outlook from the rear of No 16. Because of this, planning permission was refused.
6. The Bolton Council House Extensions Supplementary Planning Document 2012 (the SPD) states that single storey rear extensions of up to 3 metres in length (taken from the original rear elevation of the property) on semi-detached houses will normally be acceptable. Similarly sized two storey rear extensions

will normally be acceptable if set away from any shared boundary by at least 2 metres, although this may not always be practicable or necessary, depending on the layout of the original dwellings and the location of principle rooms. Longer extensions may well be acceptable where they do not cause significant overshadowing of main room windows in neighbouring properties; 'a good rule of thumb is the "45-degree rule'. The SPD is cognisant of the fact that individual circumstances will vary, and that other factors are relevant, such as the availability of screening measures.

7. The extension is not set away from the shared boundary and breaches the 45-degree rule. However, the layout of No 16 is dual aspect, with secondary windows to the gable. An existing high boundary fence screens the lower part of the extension in the rear outlook from the ground floor of No 16, which, as I saw at my visit, enjoys largely unobstructed views to the southeast across mature gardens. The extension is located to the north of No 16 and does not therefore result in any harmful loss of sunlight, and, due to the set down of the roof, it does not cause any unacceptable loss of daylight. As a result of the combination of these factors, the extension is not over-dominant, and does not cause any significant overshadowing.
8. I therefore conclude that the extension does not harm the living conditions of the occupants of 16 Browning Close, having particular regard to outlook. Accordingly, the development does not conflict with Policy CG4 of the Bolton Core Strategy Development Plan Document 2011, which, amongst other things, seeks to ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. The development is consistent with Paragraph 127(f) of the revised National Planning Policy Framework, which states that decisions should create places with a high standard of amenity for existing and future users.

Conditions

9. The development has already been completed and therefore no time limit for commencement is necessary. No other conditions related to the development are required.

Conclusion

10. For the above reasons, the appeal should succeed, and planning permission should be granted.

D Child

INSPECTOR