



Appeal Decision

Site visit made on 28 January 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2020

Appeal Ref: APP/D2320/W/19/3239959

Land off Bolton Road, Adlington

- 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 Sutton against the decision of Chorley Council.
 - The application Ref 19/00767/FUL, dated 7 August 2019, was refused by notice dated 9 October 2019.
 - The development proposed is the erection of one dwelling and associated works at Bolton Road, Adlington.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwelling and associated works at Land off Bolton Road, Adlington in accordance with the terms of the application, Ref 19/007670FUL dated 7 August 2019, subject to the conditions set out in the attached schedule.

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.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of the occupants of No. 62A Bolton Road regarding light and outlook.

Reasons for the Recommendation

4. The appeal site currently comprises an undeveloped parcel of land situated between 62A Bolton Road and 1 Melling Close in Adlington. The proposal relates to the erection of one dwelling and associated works at the site. It has been designed following a previously refused planning application for a similar development and represents an increase in the distance between the proposal and the dwelling at 62A Bolton Road along with the introduction of planting along the boundary between the properties.
5. The proposed development would be located adjacent to 62A Bolton Road. The kitchen, living rooms and front terrace area of No. 62A are located along the side elevation facing the appeal site. The kitchen benefits from a smaller window to the side that would face the proposal, and larger windows to the front and rear, which overlook the front terrace and rear decking respectively. The proposed dwelling would be located approximately 2.5 metres from the

side facing kitchen window and front terrace area. One of the living rooms of No. 62A benefits from large windows to both the front and side, while the other has one smaller window facing the appeal site. The proposed dwelling would be located approximately 6 - 7 metres from the side elevation of the living rooms at No. 62A.

6. With regards to the impact of the proposal on the outlook of the occupants of No. 62A, the distance between the two properties would mean that the proposed development would not appear overbearing. A generous separation distance of 7 metres from the side elevation of the living rooms of No. 62A would ensure that the proposal does not appear unduly prominent from these rooms. In addition, given that the outlook from the front window of one of the living rooms would remain unchanged, and the window of the other living room along the side elevation is not a sizeable feature that offers a prominent outlook, the proposal would not create an unwelcome sense of enclosure from the living rooms.
7. While the distance of 2.5 metres between the smaller kitchen window of No. 62A is not as generous, it does not represent an unusual residential relationship such that the proposal would be deemed overbearing. Furthermore, the outlook from the large kitchen window to the rear would remain unchanged and any impact experienced from the kitchen window to the front would be minimal, given that the positioning of the proposed dwelling would ensure that views of the proposal from this window would not be dominant. It is a point of dispute between the parties as to whether the kitchen constitutes a habitable room however, even in the event that it is a habitable room, the separation distance and numerous kitchen windows ensure that the proposal is not overbearing from this room.
8. The proposal would introduce additional built form alongside the front terrace of No. 62A, which would inevitably create a change in the outlook currently experienced from this location. However, the terrace would retain its public realm facing nature to the front of the dwelling. In addition the overall width and depth of this terrace compared with the additional amenity space of the front and rear garden of No. 62A, along with the separation distance of 2.5 metres from the proposal ensures that the new dwelling would not result in an unacceptable overbearing impact on the property as a whole.
9. While the decking area of No. 62A would overlook the rear garden of the proposal it is not considered that this would impact on the living conditions of either the residents of No. 62A or the future occupiers of the development. This would not be unusual in the context of residential development and the proposed landscaping along a section of this decking combined the overall amenity spaces present at both properties would ensure that there is no unacceptable impact in this regard.
10. For similar reasons it is not considered that the proposal would result in a significant loss of light at No. 62A. The windows along the side elevation of No. 62A are not the only light sources for the kitchen and front living rooms. In the case of the kitchen window, it is also not the primary light source for this room given the larger windows to the front and rear. The other windows in the kitchen and front living room would be much less affected by the proposal with limited light loss due to their orientation. Furthermore, the small window at the second living room of No. 62A is not a sizeable light source in any event.

This, combined with the distances between the windows and the proposal ensures that an acceptable level of light would remain at No. 62A with the proposal in place. While some loss of light may also occur to the front terrace as a result of the proposed development, the separation distance and other available amenity space ensures that this does not result in an unacceptable impact at the property as a whole.

11. Accordingly, while there would be some degree of harm to the outlook and light of the occupiers of No. 62A, it is not of such a level that the proposal would result in a significant or unacceptable loss of amenity in these terms. As such, it would accord with Policy 17 of the Central Lancashire Adopted Core Strategy Local Development Framework July 2012 (the Core Strategy) and Policy BNE1 of the Chorley Local Plan 2012-2026 Site Allocations and Development Management Plan Policies Development Plan Document, adopted 21 July 2015, which seek to ensure that new development promotes a good standard of amenity.

Other matters

12. Interested parties have raised concerns that the proposal could have an unacceptable impact on the character and appearance of the streetscene, highway safety, the privacy of the occupiers of No. 62A and access for emergency vehicles. It has been agreed by the Council that the proposal would not have an adverse effect on these elements and, following the site visit, I have no reason to come to a different conclusion. The proposal would not be out of place in the existing residential streetscene, and the use of a condition would ensure that appropriate external materials are used. In addition, no habitable windows are proposed to the side facing elevation of the proposal and as such there would be no impact on the privacy of the occupiers of No. 62. With regards to highway safety, a condition has been suggested to erect a barrier designed to slow cyclists on their approach to and from the highway and reduce the potential of collisions with pedestrians and cyclists and vehicles on Bolton Road. Furthermore, the Council has confirmed that access for emergency vehicles would not be affected.
13. It has also been raised that the site has been earmarked for the provision of a cycle/ footpath link, and that there is a culverted stream running through the site. The Council has confirmed that the proposal does not affect the provision of the cycle/ footpath link and that all proposals which have the potential to impact on a culvert will be subject to Building Regulations.
14. Finally, while the appeal site is an allocated housing site situated within the settlement of Adlington, which is identified as having housing needs, it is considered that the contribution of a single dwelling in meeting those needs would be limited. Accordingly, limited weight is attached to this.

Conditions

15. Regard has been had to the conditions suggested by the Council and the fact that the appellant has no objections to these. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans are necessary for the avoidance of doubt and in the interests of proper planning.

16. Further conditions requiring approval of details of external materials and layout are necessary having regard to the level of information submitted with the application and to secure an appropriate appearance and design of the development. An additional condition is also required in relation to the provision of a barrier at the cycle/ footway. This is necessary in the interests of highway safety.
17. The Written Ministerial Statement (WMS) of 25 March 2015 sets out that where there are existing policies which reference the former Code for Sustainable Homes it is still possible to apply a condition for equivalent energy performance requirements until amendments to the Planning and Energy Act 2008 in the Deregulation Act 2015 are commenced. Having regard to the requirements of the Core Strategy I have imposed the suggested conditions relating to dwelling emissions rates. This is to secure energy efficiency and to minimise the environmental impact of the development.

Conclusion and Recommendation

18. Having had regard to all matters raised, I recommend that the appeal should be allowed and planning permission granted for the erection of one dwelling and associated works at Land off Bolton Road, Adlington in accordance with the terms of the application, Ref 19/007670FUL dated 7 August 2019, subject to the conditions set out in the attached schedule..

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be allowed and planning permission granted for the erection of one dwelling and associated works at Land off Bolton Road, Adlington in accordance with the terms of the application, Ref 19/007670FUL dated 7 August 2019, subject to the conditions set out in the attached schedule..

V Lucas

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Planning Layout Site Extension W0262/PL/SE/101 REV C;
 - Location Plan Site Extension W0262/LP/SE/100 REV A;
 - House Type W22 110 4D M Finish Parkwood Style 1 W22-110-4D-410;
 - House Type W21 110 4D Blackline Sales Drawing Sherbourne Ground & First Floor Parkwood W21 110 4D 600;
 - 1800MM High Timber Screen Fence With Gate (F2) W21-SD(140)-05-02; and
 - 1800MM High Timber Screen Fence Detail With Brick Pier (F5) W21 SD(140) 05 05.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials detailed in the application and no others substituted unless details/ samples of alternative materials have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/ samples.
- 4) The development hereby committed shall not be commenced until details have been submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate of 19% above 2013 Building Regulations. The development shall be carried out in accordance with the approved details.
- 5) No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.
- 6) Details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall be submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s), before any development takes place and the development shall be carried out as approved.
- 7) The development hereby permitted shall not be occupied until a barrier is erected to the cycle/ footway in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. The barrier shall be designed to slow cyclists on their approach to and from the adopted highway and reduce the potential of collisions with pedestrians and cyclists and vehicles on Bolton Road.