
Appeal Decision

Site visit made on 22 May 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2020

Appeal Ref: APP/N4205/D/20/3249860

41, Lakeside Avenue, Bolton BL3 2HY

- 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 Khan against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 07531/19, dated 12 December 2019, was refused by notice dated 5 February 2020.
 - The development proposed is for the demolition of rear garage, two storey side and rear extension, rear dormer and front canopy with timber posts.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the host dwelling and wider area, (ii) neighbouring living conditions with regard to outlook at 39 and 43 Lakeside Avenue and 96 and 98 Bishops Road, (iii) surface water drainage provision, and (iv) local biodiversity with regard to bats.

Reasons

Character and appearance

3. The appeal property is semi-detached. Properties lining either side of the avenue are primarily semi-detached, with a varied appearance. The carriageway of the avenue is narrow and walled front gardens with intervening driveways form distinctive and attractive components of the street-scene. Semi-detached properties in the vicinity exhibit a high degree of symmetry as a further noticeable characteristic of the area.
4. I note from the Council's delegated report that the proposed two storey rear extension objected to in the Decision Notice has been taken to include the rear dormer. In making my assessment, considering that the structures are substantially joined I have adopted the same approach. The dormer is large, filling most of the rear roof plane. The overall height and mass of the rear extension coupled with the substantial expanse of flat roof proposed would not respect the modest proportions, or gable roof design, of the host dwelling and adjoining semi. It would appear as a strident and unsympathetic enlargement when viewing the semi-detached properties as a pair. Considering these

factors, the rear extension including the dormer would be visible as a dominant and incongruous addition in the context of the domestic setting.

5. The proposed front porch includes the erection of a pitched gable roof perpendicular to the pitch of the existing canopy situated on the host dwelling. As a result, the porch would create a significant imbalance in the elevational symmetry shared with the neighbouring semi which presently consists of a simple uniform roof canopy design. The imbalance created would be prominent and erode from the existing appearance of the properties when viewed as a pair from various pedestrian approaches along the highway. Moreover, the removal of the front garden and boundary wall to allow additional car parking would lead to a prominent open hard surfaced frontage. This would be seen in direct contrast to the attractive walled front gardens which line the avenue, including that belonging to the adjoining semi. As a result, the effect of the changes to the frontage would be out of kilter with the prevailing positive qualities of the street-scene and harmful to its appearance.
6. Therefore, I conclude that the proposed development would be determinantal to the character and appearance of the host dwelling and local area. Accordingly, the development conflicts with Policy CG3 of Bolton's Core Strategy Development Plan Document 2011 which seeks to conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area. The proposal would also conflict with the Council's House Extensions Supplementary Planning Document (SPD) 2012 which requires that the siting, design or layout of extensions should not have an unacceptable effect on the character of the locality.

Living conditions

7. The Council's SPD advises that two storey rear extensions of 3 or 4 metres in length will normally be acceptable if set away from any shared boundary by at least 2 metres, acknowledging this may not always be practicable or necessary. The rear extension would project from the original rear elevation of the host dwelling by 4 metres. However, there would be a gap of only approximately 0.75 metres between the rear extension and the boundary shared with 39. I appreciate the rear extension would be set inwards by 2 metres at first-floor level on the side of the adjoining semi. However, its overall height, bulk and proximity would nevertheless result in a dominant and overbearing structure when viewed from the neighbouring principal habitable rooms either side of the host property and their gardens. This would result in an oppressive and overbearing outlook from these properties.
8. The SPD also recommends a separation distance of 21 metres between the rear extension and neighbouring properties where principal habitable windows directly face each other. I note the Council suggests there would be approximately 19.5 metres between the rear extension and the elevations of 96 and 98 Bishop's Road containing principal windows. Whilst this is marginally short of the recommended separation distance, the footprint and associated curtilage of 98 is offset at an oblique angle to the host dwelling and is therefore not directly facing it. On this basis I do not find there would be significant harm to the living conditions of the occupants of 98. I also appreciate the submitted appeal plans annotate the separation distance from the rear of 96 as being 20.94 metres, taken from a recessed point in its elevation acknowledging the footprint is staggered. However, even if I were to accept that the appellant's

measurements are a more accurate representation of the interface distance principal window to window, the rear extension would still be an intrusive change when viewed from the garden serving the property. This is because of the size and mass of the rear extension would be overly prominent and strident.

9. Thus, I conclude that the proposed development is harmful to the living conditions of 39 and 43 Lakeside Avenue as well as 96 Bishops Road. But not 98 Bishops Road. Consequently, the development conflicts with Policy CG4 of Bolton's CSDPD 2011 which seeks to ensure that new development is compatible with surrounding occupiers and protects amenity. The development is also in conflict with the Councils House Extensions SPD 2012 which discourages overbearing or overly dominant development.

Surface water drainage provision

10. The appeal plans do not show how surface water would be drained from the proposed car parking hardstanding. The adequacy of surface water drainage provision is important in order to avoid volumes of standing water accumulating within a site or discharging directly onto the highway, or neighbouring land. I have considered the potential scope for a planning condition to secure drainage details however there could be difficulties in agreeing the type and position of the drainage required. Moreover, the character and appearance issues contended lead me away from accepting such an approach.
11. I therefore conclude that the development fails to demonstrate how surface water run off would be properly managed. Consequently, the development conflicts with policy CG4 of Bolton's CSDPD 2011 which seeks to ensure the impact to neighbouring land uses is acceptable, as well as protecting amenity and safety.

Bats

12. During the determination period of the application the Council's "Greenspace Team" technical consultee advised that a bat survey be undertaken and submitted to inform a decision. This was on the basis that development situations where bats are likely to be encountered include pre-1960 buildings within 200m of woodland and water.
13. I am cognisant that bats are a protected species under Schedule 5 of the Wildlife and Countryside Act 1981 as amended, under Regulation 39 of the Habitats Regulations 1994 (European protected animal species), as well as acknowledging the provisions of Section 41 of the Natural Environment & Rural Communities Act 2006 highlighting bats as being of principal conservation importance. The appellant has not given any reasons as to why a bat survey should not be required. I note that the appeal property is part of an urban environment where it is possible that bats could be affected. In the absence of any evidence to conclude as to why a bat survey is not warranted, I agree that any potential threats to bats or their habitats should be sufficiently explored before making an overall planning decision.
14. I therefore conclude that insufficient information has been provided to properly gauge the effect of the development in relation to bats. Accordingly, the development conflicts with policy CG1 point 2 of Bolton's Core Strategy DPD

2011 which seeks to safeguard and enhance biodiversity through protecting sites of urban biodiversity and improving the quality and interconnectivity of wildlife corridors and habitats.

Conclusion

15. For the reasons given above the appeal is dismissed.

M Shrigley

INSPECTOR