
Appeal Decision

Site visit made on 17 June 2020

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/N4205/W/19/3243196

Land adjacent to 15a The Glen, Bolton BL1 5DB

- 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 and Mrs Martin and Karis Smith against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 6230/19, dated 3 June 2019, was refused by notice dated 12 November 2019.
 - The development proposed is the erection of a new dwelling and associated works for hard and soft landscaping and other works incidental to the application.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling and associated works for hard and soft landscaping and other incidental works at land adjacent to 15A The Glen, Bolton BL1 5DB in accordance with the terms of the application, Ref 6230/19, dated 3 June 2019, subject to the conditions on the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Chorley New Road Conservation Area with particular regard to the existing trees on and surrounding the site.

Reasons

3. The appeal site forms part of the garden of 15A Glen Road. That building is a modern flat roofed dwelling. Glen Road is a cul-de-sac which slopes down from Chorley New Road. 15A stands on the corner of Glen Road and Chorley New Road and faces down the hill. Opposite the appeal site is a large three storey apartment block which is set well back from the road. Beyond the appeal site, The Glen is characterised by two storey detached dwellings on either side as the road turns slightly and heads down the hill.
4. The appeal site and the area around it is characterised by a series of mature trees which give this part of the Chorley New Road Conservation Area (the Conservation Area) a verdant setting and background. These are particularly focussed along the boundary between the appeal site and the houses to the east on Ravens Holme, and along Chorley New Road.
5. The appeal site also contains a small electricity sub station next to the pavement on The Glen.

6. The Conservation Area is characterised by a number of large Victorian and early 20th Century houses located within settings containing many trees. More modern houses have been built in cul de sacs off Chorley New Road itself, in general these tend to have a low density of development and the established tree character of the Conservation Area has been maintained. The tree cover in the vicinity of the appeal site is a typical characteristic of the Conservation Area.
7. The proposal is for the erection of a detached dwelling. The dwelling would be flat roofed and of contemporary design as is the case with the adjacent property at 15A The Glen. It would be rectangular in shape and incorporate large windows on the west and south elevations and rooflights. It would be timber clad.
8. The proposal involves the removal of one tree. This has been classed by the appellants in the tree survey as a Category C tree. The Council has not expressed any concerns in the Officer report about the loss of this Oak tree.
9. The principal concern of the Council relates to the impact of the proposed dwelling on the remaining trees on and around the edges of the appeal site in that it considers that future occupants would seek to undertake pruning of the trees, which in turn would erode their distinctiveness and character, thereby harming the character and appearance of the Conservation Area.
10. The Council considers that the proposed dwelling will be shaded by trees in the morning, lunchtime and afternoon. It is concerned about the closed canopy effect of the group of trees as a whole which would, in its view, create shading, leading to the pressure for pruning.
11. Neither of the main parties has submitted any detailed sunlight or daylight surveys to support their case. The appellant has submitted photographs from inside 15A The Glen which shows the effect of the rooflights on internal light within the property. I consider that the large, mainly full length, windows on the south and west elevations of the proposed dwelling would enable considerable light to enter the property, and that this would be supplemented by the series of rooflights on the flat roof.
12. The appellants path of the sun plan submitted with the appeal indicates that elevations with these large windows are the elevations more critical to enabling light into the dwelling. The eastern elevation, which is the elevation most effected by the trees between the appeal site and Ravens Holme, does not contain many windows in any case.
13. Whilst the existing trees would no doubt shade the property, I do not have evidence to indicate that this would be to an unacceptable degree nor to one which would cause an occupant to seek to prune or remove the trees to increase daylight or sunlight levels into the property.
14. The appellant has submitted details of other sites on which development has been allowed within areas of trees. The Council has submitted comments on these examples. However, I have determined this appeal on its merits and on the basis of the evidence before me.
15. I have been referred to the 2019 appeal decision on the site. In dismissing the appeal the Inspector was concerned, amongst other things, about the removal of a Beech tree which he considered would have a significant impact upon the

verdant character of the frontage of the site. This is different to the appeal before me, where that tree is to be retained and the only tree to be removed is not in such good condition or so prominent and its removal would not have such a harmful impact.

16. The Inspector was also concerned about the potential for future pruning or removal of trees which he considered would add to the cumulative harm of the proposal. The current proposal though is of a different design and incorporates a smaller footprint and a lower overall height, both of which I consider reduce the potential for the impact of the canopy on the living conditions of future occupants. Overall I consider that the design, orientation and layout of the proposed dwelling in this appeal would not lead to levels of light within the proposed dwelling to be unreasonably low, such as to unduly raise the risk of potential requests to prune or remove trees. I have reached this conclusion on the merits of this scheme and on the basis of the evidence before me.
17. For the reasons set out above I consider that the proposal would not have a harmful impact on the character and appearance of the Chorley New Road Conservation Area and would accord with Policy CG1 of the Bolton Core Strategy 2011 (the Core Strategy) which seeks to safeguard and enhance green spaces amongst other things, Policy CG3 of the Core Strategy which seeks to protect the built environment, and Policy OA4 of the Core Strategy which sets out specific strategies for West Bolton including conserving and enhancing the character of the Chorley New Road Conservation Area.

Other matters

18. The proposal is for a contemporary flat roofed house. Although of different design to the existing house at 15A The Glen, the two have similar characteristics and would complement each other. With the apartment block and 15A The Glen, the top part of The Glen has a different character in terms of design and development pattern to the area to the south beyond the bend in the road. The design of the proposed dwelling would be in keeping with the character of this part of The Glen. For these reasons together, I consider that the proposal would not harm the character and appearance of the Conservation Area.
19. There is no evidence that the proposal would affect the operation of the sub-station and any increase in its capacity in the future would be a matter for the relevant operators.
20. There is no evidence that the proposal would cause harm in respect of highway safety or flood risk.

Conditions

21. I have considered the conditions suggested by the Council in relation to the National Planning Policy Framework and the Planning Practice Guidance.
22. In addition to the standard time condition for implementation, there is a need for a condition specifying the plans to which the permission relates, for certainty. There is also a condition required in relation to materials in the interests of the character and appearance of the Conservation Area.
23. Conditions are necessary relating to the protection of existing trees on the site during construction in the interests of the character and appearance of the

Conservation Area. Although not suggested by the parties, I have imposed a condition requiring the submission and approval of an arboricultural method statement given the presence of trees on the appeal site.

24. In the interests of the character and appearance of the area, and the living conditions of residents of nearby properties, a condition is imposed to require details of ground levels to be submitted and approved.
25. Conditions are required in the interests of highway safety and these relate to the setting out of parking spaces and vehicular movement areas within the site, and the for details footway crossing works into the site.
26. A condition is imposed in relation to bird habitat provision in the interests of ecology.

Conclusion

27. For the reasons given above I conclude that the appeal should be allowed.

Mike Worden

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: Site Location Plan; Site Drawing 2.0, Proposed Floor Plans PLG-03 Rev C 3-6-19, Proposed Elevations PLG-04 Rev A 3-6-19; Proposed Elevations PLG-05 Rev B 3-6-19, Site Drawing 2.0 Proposed New Dwelling 18 June 2019; Driveway Location and Protective Fencing Location Plan 7 August 2019.
- 3) No development above ground shall commence until details / samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. These details must include type/colour/texture of materials, and doors and windows. Development shall be carried out in accordance with the approved details / samples.
- 4) No demolition, development or stripping of soil shall commence until the trees and hedgerows within or overhanging the site which are to be retained/or are the subject of a Tree Preservation Order (TPO) have been surrounded by fences of a type to be agreed beforehand in writing with the local planning authority and the local planning authority has been given 14 days notification that the fencing has been erected. The fencing shall accord with BS 5837:2012 and shall remain in place until the development is completed and there shall be no work, storage of materials or placing of cabins within the fenced areas.
- 5) Prior to the commencement of any work including demolition, details shall be submitted to and approved in writing by the local planning authority for alternative on-site Sparrow/Swift/Swallow accommodation. The approved scheme shall be implemented in full and retained thereafter.
- 6) No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
 - i) details of the existing and proposed ground levels within the site and on adjoining land including spot heights, cross sections and finished floor levels of all buildings and structures;

The development shall be carried out in accordance with the approved details.
- 7) No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
 - i) full details of the proposed highway works at 15A The Glen comprising implementation of a vehicle access crossing (VAC) in order to facilitate access to the proposed off road parking provision shall be submitted to and approved in writing by the local planning authority.
 - ii) full details of the repair/reinstatement of footway/carriageway surfaces arising from the construction phase

The approved details shall be implemented prior to first occupation.

- 8) Details of the provision within the curtilage of no less than 2 car parking spaces with dimensions of 2.5m x 5m, and how those parts of the site used by vehicles shall be laid out, constructed, surfaced, drained and lit; shall be submitted to and approved by the local planning authority. The approved details shall be implemented prior to first occupation and retained thereafter.
- 9) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.