



Appeal Decision

Site visit made on 15 September 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2020

Appeal Ref: APP/N4205/D/20/3255853

23 Astley Road, Bolton BL2 4BR

- 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 John Darrock against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 07926/20, dated 24 February 2020, was refused by notice dated 30 April 2020.
 - The development proposed is an attached garage to the side of the property and an extension across the rear of the property.
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Decision

1. The appeal is allowed and planning permission is granted for an attached garage to the side of the property and an extension across the rear of the property at 23 Astley Road, Bolton BL2 4BR, in accordance with the terms of the application Ref 07926/20, dated 24 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 02a "Proposed Part Ground & Roof Layouts and Elevations" and the Sheet No 3 "Site Location Layout 1:1000".
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the development upon the living conditions of the occupiers of No 21 Astley Road in respect of outlook and light.

Reasons

3. The appeal property is semi-detached. I do not disagree with the Council that the development would be acceptable in terms of its design and that it would not look out of place in the street-scene.
4. The rear part of the extension would extend across almost the full width of the rear garden, would extend out about 3.6 metres and would be approximately 3.7 metres to its ridge. There would be no adverse effect of such development

- on No 25 Astley Road given that the development would be closely aligned with a garage associated with such a neighbouring dwelling.
5. The extension would, however, be close to the boundary with No 21 Astley Road which has no rear extensions. There is, however, already a solid timber fence along the common boundary between the appeal site and No 21 Astley Road. Therefore, only a modest amount of roof and side wall of the proposed extension would be noticeable above the fence from the rear windows and adjacent patio area. Taking these factors into account, I do not consider that the development would have a dominating or enclosing impact on the occupiers of No 21 Astley Road when seen from the aforementioned areas. It is of note that the occupiers of No 21 Astley Road have raised no objection to the proposal in this regard.
 6. I have considered the orientation of the appeal property with No 21 Astley Road and I have also considered the appellant's sun trajectory information relating to winter and summer times. Given the height and position of the proposed development, I am satisfied that it would not result in a material loss of daylight or sunlight penetration to the neighbouring dwelling including its rear garden area. I acknowledge that the Council's adopted Supplementary Planning Document "House Extensions" 2012 (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"*. However, that does not mean that rear extensions that exceed 3 metres in length would be unacceptable.
 7. Indeed, the SPD states that *"longer extensions may well be acceptable where they do not cause significant overshadowing of main room windows in neighbouring properties. This can usually be achieved by setting the extension away from a shared boundary. A good rule of thumb is the "45 degree rule" (that the extension avoids infringing a line drawn at 45 degrees from the centre of the nearest main room window) but circumstances will vary"*.
 8. I accept that the rear extension would, in part, infringe the 45 degree line, but taking into account the orientation of the appeal property with No 21 Astley Road, the existence of the solid timber boundary fence and the height of the rear extension, I have already found that there would be no material loss of daylight or sunlight. The circumstances of this case are therefore that the infringement of the 45 degree line *"rule of thumb"* would not lead to any significant harm to the occupiers of any neighbouring property.
 9. I conclude that the proposal would not cause material harm to the occupiers of No 21 Astley Road in respect of outlook or light. Hence, the development would accord with the amenity requirements of the SPD and Policy CG4 of Bolton's Core Strategy Development Plan Document 2011.

Conditions

10. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. In the interests of good design and the character and appearance of the area, it is necessary to also impose a materials condition.

Conclusion

11. For the reasons outlined above, I conclude that the appeal should be allowed.

D Hartley

INSPECTOR