
Appeal Decision

Site visit made on 5 January 2021 by C McDonagh BA (Hons) MA MRTPI

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2021

Appeal Ref: APP/N4205/D/20/3261431

77 Old Vicarage, Westhoughton, Bolton BL5 2EG

- 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 Lee Southern against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 08385/20, dated 19 May 2020, was refused by notice dated 12 August 2020.
 - The development proposed is a side extension above existing garage.
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Decision

1. The appeal is dismissed.

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 impact of the proposal on the living conditions of occupiers of No's 73 and 75 Old Vicarage with regard to visual impact.

Reasons

4. The appeal site is a two-storey, semi-detached property with attached, single storey garage to the side. The side gable of the appeal site faces the rear elevations of 73 and 75 Old Vicarage. The proposal involves the erection of a first-floor side extension above the existing garage.
5. The House Extensions Supplementary Planning Document (the SPD) advises that new development should maintain a separation distance of 13.5 metres (m) between a neighbouring elevation which contains a main room window and a facing wall of a two-storey extension which does not.
6. The resulting separation distance between the proposed extension and rear elevations of No's 73 and 75 would be around 10.5m. a distance which is not disputed. I note that the separation distances within the SPD are advisory. Nevertheless, in this case, due to the height and the position of the proposed works close to the common boundary the extension would introduce an overbearing and visually dominant feature in views from the rear windows and outdoor amenity spaces of No's 73 and 75. This would reduce outlook from the

rooms at the rear of the adjoining properties and create a feeling of enclosure when within the rear gardens which would diminish the enjoyment of these spaces. The dominating presence of the proposal would therefore detract from the quality of the living environment for occupiers of 73 and 75.

7. I understand there are no windows proposed to the side of the extension which would overlook the adjacent properties. However, to my mind the issue is not one of loss of privacy due to overlooking. As such this does not alter my assessment.
8. To conclude, the proposal would harm living conditions of occupiers of both 73 and 75 Old Vicarage with regards to visual impact. Accordingly, the proposal would be contrary to Policy CG4 of the Bolton Core Strategy Development Plan Document and the SPD. These seek to ensure development is compatible with surrounding land uses and occupiers.

Other matters

9. The appellant has drawn my attention to the fact that no objections were received from any of the occupiers of the properties assessed by the Council regarding living conditions. However, the National Planning Policy Framework (the Framework) is clear in applying judgement to both present and future users of land and buildings, and the lack of objection is a neutral matter rather than carrying weight in favour of the scheme.
10. The proposal would improve the accommodation available for the appellant's family. Whilst I have some sympathy for this requirement, this would not outweigh the harm the proposal would cause to the living conditions of adjoining occupiers.

Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR