



Appeal Decision

Site visit made on 17 November 2020 by Andreea Spataru BA (Hons) MA

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2021

Appeal Ref: APP/N4205/D/20/3258598

199 Paulhan Street, Bolton BL3 3DX

- 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 Zahir Shabir against the decision of Bolton Council.
 - The application Ref 07803/20, dated 7 February 2020, was refused by notice dated 7 July 2020.
 - The development proposed is a two storey side and rear extension with rear dormer and front porch.
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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 main issue is the effect of the proposal on the character and appearance of the host dwelling, the pair of semi-detached dwellings of which it forms part, and the street scene.

Reasons for the Recommendation

4. The appeal site relates to a two-storey, semi-detached, hipped roofed dwelling, which occupies a prominent position, on a corner plot, within a residential area. The appeal dwelling is well set in from the eastern side boundary. The siting of the dwelling in relation to the road contributes to the open character of the plot, thus to the openness of the street scene, at the junction of Paulhan Street with Hawker Avenue.
 5. The proposal includes a two-storey side/rear extension, which would project along the full depth of the original dwelling, extend beyond the original rear elevation, and project along part of the rear elevation of the original dwelling. The side part of the two-storey extension would have a hipped roof and would follow the ridge line of the existing roof; the rear part would have a pitched roof and would be set down from the main ridge.
 6. The proposal also includes a single storey rear extension, which would be attached to the two-storey element and would fill in the gap between the two-storey extension and the western side boundary. There would also be a porch,
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- which would occupy a central position to the front of the extended dwelling, and a rear dormer, which would have a flat roof and would extend along most of the width of the existing roof.
7. The development would significantly increase the footprint and volume of the existing dwelling eroding the open character of this corner plot. This coupled with the lack of a set back of the two-storey side extension from the original building line of the pair of semi-detached dwellings Nos 199 and 201 and the lack of a set-down from the main ridge would mean the extended section of the house would appear overly large in scale and not subordinate to the original dwelling. Thus, it would be contrary to the requirements of the House Extensions, Supplementary Planning Document (SPD), particularly paragraph 3.1, which states that a well designed extension should be subordinate in relation to the dwelling. Furthermore, the significant additional mass, would unbalance the pair of dwellings to such a degree that would adversely affect their appearance.
 8. Whilst individual elements of the proposal, such as the front porch, would not be detrimental on their own, when considering the overall scale of the proposal, the development would have an adverse impact on the character and appearance of the host dwelling. Likewise, elements such as roof style, materials and windows' alignment are not sufficient to mitigate the harmful impact of the proposal, as they would be viewed in the context of the overall massing of the extensions, which is not acceptable.
 9. Whilst the existing high hedge would be retained and there would still be a gap between the extensions and the boundary treatment, given the width and overall massing of the two-storey extension, the visual openness of the plot would be significantly reduced. Notwithstanding the staggered position of the dwellings located on Hawker Avenue and the difference in levels, the two-storey element would have a significant sideways projection considerably and noticeably beyond that of neighbouring properties, giving it an undue prominence which would be detrimental to the character and appearance of the street scene.
 10. I note that the Council did not find the proposal harmful to the living conditions of the occupiers of the appeal dwelling in terms of the amount of outside amenity space. I accept that the remaining garden area, and the additional garden space that could be provided if necessary, through the removal of the existing outbuilding, would be sufficient for the occupiers of the dwelling. However, in this instance, the overall scale of the extensions and their consequent bulk and mass in relation to the host dwelling would represent an overdevelopment of the site which would be detrimental to the character and appearance of the street scene.
 11. The neighbouring properties located immediately to the rear of the appeal dwelling, on Hawker Avenue, differ from the appeal dwelling in terms of scale, design, and siting in relation to the road. Furthermore, there is a range of house types in the area. Nevertheless, this does not justify the proposed scale of the extensions, and the harmful impact on the character and appearance of the host dwelling, the pair of semi-detached dwellings of which it forms part, and the street scene.

12. The appellant has drawn my attention to a scheme¹ that was approved at No 171 Paulhan Street. Whilst there are some similarities between the two schemes, the proposal before me is not directly comparable to this development, particularly because of the difference in their plot size, location within the street scene and the different size of the two attached properties. Therefore, I attach limited weight to this scheme.
13. The appellant also referred to other extensions, which vary in terms of scale and design, located within the area. However, other than photographs, I do not have all the details of those cases or the circumstances in which they were granted permission before me. I cannot therefore be certain that they are directly comparable. Moreover, I have considered the proposal on the basis of the site-specific circumstances of this case.
14. Accordingly, I conclude that the proposal would be detrimental to the character and appearance of the host dwelling, the pair of semi-detached dwellings of which it forms part, and the street scene. Therefore, the development would be contrary to Policy CG3 of the Bolton's Core Strategy Development Plan Document, and the guidance contained within the SPD, which collectively state that, amongst other things, developments should respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

Other matters

15. I have taken into account the reasons for the appellant seeking to have the extensions, including the necessary facilities at the ground floor level. I acknowledge that the proposal would provide improved living space for a large family. I note the personal circumstances that have been drawn to my attention in this regard. This is a private benefit of the scheme to which I attach moderate weight.
16. I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I do not doubt that the proposal would better accommodate the appellant's family, through the introduction of increased internal living space. However, whilst dismissal of the appeal would deprive the appellant the opportunity to live in a more spacious home, this is set against the serious effect the proposal would have in terms of other planning considerations. Furthermore, it has not been demonstrated that the required accommodation could not be provided in a less harmful manner. It does not therefore follow that the appeal should succeed.
17. Article 8 of the European Convention on Human Rights affords the right to respect for private and family life. I note the appellant's comments relating to the lack of housing supply within the area and in his view the consequent need to allow large extensions to ensure present and future generations remain within existing communities. However, the evidence is not persuasive that, if the appeal were dismissed, the family would be made homeless or their home, family life or privacy would be significantly diminished. The degree of

¹ Application ref: 01955/17

interference that would be caused, therefore, would be insufficient to give rise to a violation of rights under Article 8 of the First Protocol.

18. The appellant has suggested that the proposal aligns with various national and local policies including those promoting larger extensions. However, the proposal before me requires planning permission and a lack of harm on other grounds does not weigh in favour of the proposal. Therefore, this does not outweigh the harm to the character and appearance of the host dwelling, the pair of semi-detached dwellings of which it forms part, and the street scene, which I have identified above, and that carries considerable weight.

Recommendation

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

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

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

Zoe Raygen

INSPECTOR