

Appeal Decision

Site visit made on 23 February 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2021

Appeal Ref: APP/N4205/D/20/3263901

90 Chorley Old Road, Bolton BL1 3AE

- 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 Mrs Alice Hussain against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 08981/20, dated 29 July 2020, was refused by notice dated 4 November 2020.
 - The development proposed is described as 'front porch rear dormer'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit, the development shown on the submitted plans was complete and as such, the appeal seeks retrospective planning permission. The Council do not take issue with the use of rooflights and I see no reason to disagree with this conclusion. I have assessed the appeal accordingly.

Main Issues

3. The main issues are the effect of the development on a) the character and appearance of the area; and b) the living conditions of neighbouring occupiers with specific regard to whether or not they would be overlooked.

Reasons

Character and appearance

4. The appeal site comprises a two-storey, mid-terrace dwelling with a two-storey outrigger extension to the rear. The dwelling's design is typical of the area, which is comprised of long rows of two storey terraced housing. Houses in the host terrace feature recurring flat roofs above bay windows and doors which create a pleasant and largely uninterrupted even repeating rhythm in the street scene which contributes positively to a strong uniformity to the character and appearance of the area.
5. The porch is of substantial height, depth and width. As a result, it adds significant bulk to the front of the property and detracts from the characteristic uniformity of the host terrace within the street scene. The incongruous nature of this effect is compounded by the contrasting roof designs of the gable type pitched roof above the door and lean-to roof forming a canopy above the bay window.

6. The two rear dormer windows are located either side of the roof pitch of the two-storey outrigger extension. The House Extensions Supplementary Planning Document (the SPD) (August 2012) advises that the construction of dormer windows in the roof should not normally result in the proposed dormer occupying more than one quarter of the roof plane which faces a highway or which is otherwise prominent in the wider street scene.
7. The existing outrigger extension is taller and projects further rearwards than other outriggers in the terrace. Due to their width the dormers cover approximately half of each plane of the roof. As a result, they add substantial mass and bulk to the roof, increasing the prominence of the outrigger and further reducing its traditional appearance despite the use of matching materials. I observed the incongruous structures to be highly visible from several vantage points including in both directions along Back Bayley Street and Mortfield Lane.
8. To conclude on this first main issue, the porch and the dormers therefore cause harm to the character and appearance of the host property and local area. As a result, the development is contrary to Policy CG3 of the Bolton Core Strategy (CS), which seeks, among other aims, to ensure development conserves and enhances local distinctiveness having regard to the overall built character of the area and that development is compatible with the surrounding area in terms of its scale, massing and form. It would also be contrary to advice contained in the SPD as cited above

Living Conditions

9. I agree that, to an extent, overlooking of neighbouring properties may be more common in densely developed areas such as the appeal terrace. Indeed, there are existing windows to the side elevations of outriggers in the appeal property and other dwellings in the host terrace offering views to numerous sides. However, the photographs submitted in evidence by the appellant clearly demonstrate the increased scope of overlooking to neighbouring properties, their gardens specifically, from the dormers as they are positioned in a location which projects further than other outriggers and at a higher elevation.
10. The appellant has indicated they would accept a condition requiring both dormer windows to be finished in obscure glazing. Whilst this may go some way to address overlooking and a loss of privacy for neighbouring occupiers, it would raise additional concerns in terms of the living conditions of future occupiers of the rooms the dormers serve. This is because an obscurely glazed window would provide limited outlook and thereby create a poor-quality residential environment for occupiers. Accordingly, such a condition would be unreasonable and would not meet the tests for conditions set out in the National Planning Policy Framework.
11. As a consequence of the above, the development causes harm to the living conditions of occupiers of neighbouring properties. As a result, the dormers are contrary to Policy CG4 of the CS which seeks, among other things, to ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity and privacy.

Other Matters

12. The appellant explains that the floor area of the porch is within permitted development rights and serves a practical purpose. Be this as it may, the appellant also concedes that the height of the porch is in excess of the limits allowed under permitted development. In any event, it is my duty to determine the appeal on the basis of the details before me.
13. A terrace block adjacent to the one containing the appeal building is formed of similar two storey houses which incorporate hipped roof canopies above their respective bay windows and front doors. While the appeal development is similar in terms of its roof form, the two sets of houses differ given canopies are a prevailing and defining characteristic of the adjacent terrace. The same cannot be said of the terrace containing the appeal building. My conclusions are therefore unchanged.
14. The bay window of No.96 is set higher than other properties in the same row. Whilst this is arguably an anomaly in the street scene, it has a minor overall effect and as such does not justify allowing the harm I have identified in regard to this main issue. Similarly, while No.102 is set forward of other properties, it is aligned with the commercial unit at the end of the terrace on the corner of Chorley Old Road and Mortfield Lane. No.102 also has a higher and contrasting roof design which makes it further distinct to the terrace. As a result, I do not consider that the fact the appeal building does not project as far as No.102 justifies the appeal scheme.
15. My attention is drawn to other dormer windows in the area. These include those constructed at No's 72 and 102 within the same terrace and several others on an adjacent terrace. I have limited information on any of these, such as relevant planning history. However, from my observations these appear to have been constructed on the rear roofs of their respective host properties rather than on an outrigger. They also appear smaller in scale. While I am directed towards dormers to the front elevation of a property in the adjacent terrace, these appear to be of much smaller scale. As such, I do not consider any of these examples comparable to the appeal before me, nor would their presence justify the harm I have identified from the appeal development

Conclusion

16. For the reasons set out above, the appeal is dismissed.

C McDonagh

INSPECTOR