



Appeal Decision

Site visit made on 19 January 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2021

Appeal Ref: APP/N4205/W/20/3261222

31 and 33 Ashton Street, Bolton BL3 4HN

- 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 Mohammed Patel against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 07002/19, dated 29 September 2019, was refused by notice dated 24 July 2020.
 - The development proposed is a single storey extension to side and rear of No 31 and part single storey/part two-storey extension with dormer to rear of no 33.
-

Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. I have taken the description of development in the banner heading above from the appeal form, as it is more accurate than that used on the original planning application form. I have omitted the word 'retention' in respect of the extension to No 31 as it is not descriptive of an act of development, although extensions forming part of the application have already been erected at No 31.
3. The appeal relates to a pair of semi-detached houses at Nos 31 and 33 Ashton Street. Together they have a planning history in recent years which it is useful to briefly set out as background to this appeal. Planning permission was granted in 2016 for the erection of part single/part two-storey extensions with dormer windows at the rear of both properties ('the 2016 permission')¹.
4. The extensions to No 31 approved under the 2016 permission have been constructed, while those to No 33 have not. The Council has indicated that further development was carried out at the same time at No 31 without consent, in the form of a single-storey side extension and a single storey rear extension. A second planning application² was then submitted seeking 'retrospective' permission for the additional works to No 31, as well as a part single/part two-storey extension and rear dormer at No 33. This was refused by the Council, and an Enforcement Notice subsequently issued in respect of the additional works. The appellant sought to appeal against the refusal of planning permission, but the appeal was lodged outside the required timescale and so was not valid. The Council states that it allowed the applicant to

¹ LPA Ref: 96932/16

² LPA Ref: 01594/17

resubmit the refused planning application in order to allow him to appeal against the decision. A duplicate planning application was duly submitted and refused ('the 2018 application')³, and an appeal dismissed in May 2019⁴. A further planning application, the subject of this appeal, was then submitted in September 2019.

5. The Council remains of the view that the extensions allowed by the 2016 permission would be acceptable. I have therefore confined my detailed consideration in this appeal to the matters disputed between the main parties.
6. I saw on my site visit that the side extension to No 31 included four rooflights which are not shown on the submitted drawings. The ground floor extension which has been built at the rear of No 31 does not appear in its current form on any of the submitted drawings, although this does not form part of the scheme for which the appellant is seeking permission. I have determined the appeal on the basis of the submitted drawings, which the Council considered in refusing planning permission.

Main Issues

7. The main issues are the effect of the extensions on:
 - The character and appearance of the host properties and the area;
 - Living conditions for occupiers of 31 Ashton Street, with regard to private and useable amenity space; and
 - Living conditions for occupiers of 29 Ashton Street, with regard to outlook.

Reasons

Character and Appearance

8. The appeal site is at the southern end of Ashton Street, where Nos 31 and 33 occupy a corner plot bounded by Ashton Street, Back Ashton Street and Hawthorne Road. The surrounding area is predominantly residential with a mixture of flats, and terraced and semi-detached houses. I saw on my site visit that the other properties on the east side of Ashton Street are arranged in blocks of three, whereas the appeal properties are a semi-detached pair and, because of its corner site No 33 is set on a slightly more spacious plot than many of its neighbours.
9. While the wider area contains housing of varying styles and ages, there is a general consistency of scale, massing and design in the houses on the east side of Ashton Street which also carries round to the rear of the buildings. I saw from Back Ashton Street that rear extensions to the Ashton Street houses are generally small, single-storey, and end some way from the rear boundary wall. As currently extended, No 31 appears to be the only significant departure from this pattern. There is a similar consistency to the rear of those properties on Hawthorne Road which can be seen from Back Ashton Street, although extensions appear to be more prevalent, and rear gardens or yards are shallower than those of the Ashton Street houses. Overall, the regularity of scale, massing and building lines at the rear of properties contributes to the area having a simple orderly appearance, while the general lack of large or

³ LPA Ref: 04596/18

⁴ Ref: APP/N4205/W/19/3221759

high rear extensions to Back Ashton Street gives it a modest sense of openness.

10. In respect of No 31, planning permission is sought for:

- A part single, part two-storey rear extension across the full width of the dwelling, projecting beyond the rear elevation by approximately 4m at ground floor and 3m at first floor, as approved under the 2016 permission.
- A single storey side extension, approximately 1.5m wide, set around 4.3m behind the front elevation and extending to around 4m beyond the rear elevation and forming with the rear extension an L-shaped wrap around at ground level. This formed part of the 2017 and 2018 applications and the 2018 appeal.
- An additional ground floor rear extension with mono-pitched roof, adjoining the boundary with No 33, approximately 3.3m wide.

The first two parts of the development have already been built. While a further ground floor extension has also been built at the rear of the property, it is larger than that for which permission is now sought.

11. In respect of No 33 the proposed development, none of which has been built, is:

- A part single, part two-storey rear extension across the full width of the dwelling, projecting beyond the rear elevation by approximately 4m at ground floor and 3m at first floor, as approved under the 2016 permission.
- An additional ground floor rear extension with mono-pitched roof, adjoining the boundary with No 31, approximately 3m wide.
- A dormer on the rear roof slope, as approved under the 2016 permission.

12. The proposed ground floor rear extensions would project around 2m beyond the rear elevation of the full-width extensions approved under the 2016 permission, and would have a ridge height of a little over 4m. The submitted drawings suggest that the extension to No 31 would be slightly wider than that at No 33, and there would be minor differences in fenestration, although notwithstanding this the two extensions would broadly mirror one another. The extensions would present end gable walls to Back Ashton Street, which would appear to be both taller and closer to the street boundary than those of other extensions I saw nearby. Although in themselves relatively small, they would be prominent additions to the appeal properties which would diminish the modest open character of the rear street. The cumulative effect with the other extensions would be to leave the original houses somewhat overwhelmed by their many extensions, and the remaining consistency of character with the neighbouring dwellings on Ashton Street would be lost.

13. The Council has expressed concern that because of a small gap between the two rear extensions they could be built independently, although I note the appellant's reassurance that there is a strong intention for both properties to be extended. In my view similar harmful impacts to the street scene would occur whether these arose from a single 'unbalanced' extension or a pair of large and dominant extensions being built, and this is not therefore a crucial issue in determining the appeal.

14. The side extension to No 31 is set back from the front building line, and I acknowledge that it has little visual impact on Ashton Street itself. However, from Back Ashton Street its scale, design and massing make it a prominent feature, which with the other extensions (built and proposed) combines to increase a sense of the host property being overwhelmed by its extensions. This is, and would be, detrimental to the street scene of Back Ashton Street. I note that this element of the proposal appears to be substantially the same as in the 2018 application, and none of the evidence before me leads me to diverge from the conclusion of the Inspector in the 2019 appeal in respect of the side extension's harmful effect on the character and appearance of the area.
15. The backs of the appeal properties are also prominent in public views from Hawthorne Road and Stretton Road. Notwithstanding that the scale and massing of the appeal properties and the consistent building line they shared with their neighbours has already been (or could already be) disrupted by extensions allowed under the 2016 permission, further rear extensions would exacerbate this. Additional extensions would dominate and overwhelm the host properties, and would give them a disjointed, cramped and overdeveloped appearance at odds with the character of other houses in the vicinity. Their prominence and visibility would be detrimental to the quality of the area as seen from the surrounding streets.
16. The materials to be used would be selected to match the existing host buildings, but although the design and appearance of the proposed development would therefore be acceptable in this respect this would not outweigh the other harm to character and appearance which I have found.
17. My attention has been drawn to several other extensions which have been built or approved elsewhere in Bolton. I have been provided with some drawings of those schemes, but while they represent large additions to existing houses I do not know the full circumstances or precise local context which may have justified their being approved. I cannot therefore be sure that they represent a direct parallel to the appeal proposal, and in any event I have determined this appeal on its own merits. The appellant has also suggested that some elements of the proposal would be allowed under permitted development rights. However, in determining this application I am required to consider the scheme as a whole, and find that it would cause harm as described above.
18. The extensions are, or would be, harmful to the character and appearance of the host properties and the area. I conclude therefore that the proposal conflicts with Policy CG3 of the 2011 Bolton Core Strategy ('the Core Strategy'), as well as advice within the 2021 'House Extensions' Supplementary Planning Document ('the SPD'), which seek to ensure that development proposals are well-designed and have regard to the built character of the area, and that extensions are of a size and scale which is in proportion to the existing house. The development also conflicts with the requirements of the National Planning Policy Framework ('the Framework'), in particular paragraphs 127 and 130 which seek to achieve well-designed places.

Living Conditions – 31 Ashton Street

19. No 31 is on a smaller plot than No 33, and the size of its outdoor amenity space has already been reduced by the previously approved extensions. The appellant indicates that under the current scheme No 31 would be left with a

total outdoor area of around 65m², and so argues that the proposal would comply with advice in the SPD which indicates that 50m² of private amenity space is a reasonable minimum for a semi-detached house.

20. However, the space at the side of the property, adjacent to the boundary with No 29, is a narrow strip unlikely to be used as anything other than an access passageway. The front garden is surrounded by a low boundary wall topped with decorative railings and is readily visible from Ashton Street, and so in my view is unlikely to be used for private or semi-private activities such as sitting out or drying clothes. Taking all of this into account, the actual private useful amenity space available to the occupiers of No 31 would be the enclosed part at the rear of the property, which forms only a small part of the entire outdoor area. The Council has calculated that this measures around 28m² and, while the appellant has not provided a specific figure for this area, it is clear from the evidence before me and what I saw on my site visit that the actual amount of space which would be available falls some way below that which would reasonably be expected for a semi-detached dwelling of the size of No 31.
21. I conclude therefore that, because of the reduced and inadequate amount of private amenity space, the proposal would be harmful to living conditions for occupiers, including future occupiers, of No 31. I note that in the 2019 appeal the Inspector did not find conflict with Policy CG4 of the Core Strategy in this respect. However, Policy CG4 seeks to ensure that, among other things, new development protects amenity for occupiers. I therefore consider that there is conflict with that policy and, for the same reasons, with the advice of the SPD. The proposal also conflicts with the requirements of the Framework, in particular paragraph 127 which seeks to ensure that development creates a high standard of amenity for existing and future users.

Living Conditions – 29 Ashton Street

22. The side extension to No 31 is built close to the boundary with No 29 to the north, and has a total depth of more than 8m, of which around half projects beyond the principal rear elevation of No 29. The information before me indicates that this element of the proposal is unchanged from the 2018 application, in respect of which the Inspector in the 2019 appeal considered was, because of its height, massing and proximity to the boundary, 'a visually prominent, overbearing feature, which adversely affects the outlook from No 29 and its rear and side garden areas'.
23. As part of the evidence for this appeal, the appellant has submitted a letter from the owner of No 29 indicating that the ground floor rear window serves a kitchen. The SPD indicates that kitchens (other than dining kitchens) are not considered to be principal rooms, and on this basis I am satisfied that there would be no harmful loss of outlook from a principal room within No 29. However, as I have described above, the proposed extensions as a whole would be a large and prominent addition to the appeal properties. The side extension to No 31 as already built brings the bulk of development very close to the rear garden of No 29, from where in my view it appears as a dominant and overbearing feature.
24. It is not suggested that there would be harmful overshadowing caused by any of the appeal extensions, nor would the '45-degree rule' described in the SPD be breached in respect of any neighbouring property. However, the side extension to No 31 is overbearing and adversely affects the outlook from the

rear and side garden of No 29. This reduces their usefulness as private amenity space, and so is harmful to living conditions for the occupiers of No 29.

25. It therefore conflicts with Policy CG4 of the UDP, with advice in the SPD, and with the requirements of the Framework, in particular paragraph 127. Together these seek to ensure that development creates a high standard of amenity for existing and future users.

Other Matter

26. The appellant has stated that the side extension to No 31 is integral to the structure of the building, as the main walls have been removed and replaced with steel beams. The fact that part of the scheme has been carried out without permission is not a reason in itself to dismiss the appeal, and the development should be judged against material planning considerations. By the same token however, the consequences of part of the scheme having already been carried out are not in themselves a planning consideration which would justify allowing the appeal. This is a neutral factor which does not carry weight either for or against the proposal.

Conclusion

27. For the reasons given above the appeal is dismissed.

M Cryan

Inspector