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## Appeal Decision

Site visit made on 23 February 2021

**by J Williamson BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 May 2021**

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**Appeal Ref: APP/N4205/W/20/3262678**

**Church Hotel, 61 Church Road, Kearsley, Bolton BL4 8AW**

- 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 S Johnson, Johnsons Construction, against the decision of Bolton Metropolitan Borough Council.
  - The application Ref 08246, dated 21 April 2020, was refused by notice dated 24 August 2020.
  - The development proposed is described as: Demolition of rear stables and small holding to rear of the property. Erection of stair well and dormers. Alterations to elevations, including Juliette balconies, velux rooflights, material changes. Form external garden and paths together with 16no parking spaces, bin store and cycle shed. 14no flats, 4no 2 bed flats and 10 single flats.
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### Decision

1. The appeal is allowed, and planning permission is granted for change of use and conversion of public house to 14no self-contained flats, including demolition of stables and small holding at rear, erection of two storey extension to accommodate stairwell, installation of dormers, Juliete balconies and rooflights together with cycle shed, bin store, associated parking and landscaping, at the Church Hotel, 61 Church Road, Kearsley, Bolton BL4 8AW, subject to the conditions listed in the attached Schedule of Conditions.

### Procedural Matter

2. The description of proposed development on the Council's decision notice differs to that on the planning application form. The appellant acknowledges the change on the appeal form and does not challenge it. I have therefore made my decision based on this description, stated in the decision.
3. Amended plans were submitted during the planning application. I have made my decision based on the amended plans.

### Main Issues

4. The main issues are:
  - whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to outlook, privacy and private outdoor space;
  - the effect of the proposal on the living conditions of occupiers of existing neighbouring properties, with particular regard to outlook and privacy, and

- the effect of the proposal on highway safety, with particular regard to refuse storage and collection.

## **Reasons**

5. The site comprises a two-storey, disused public house with residential accommodation on the first floor, and a disused stables and small holding to the rear of the building with access off Church Road. The front of the building abuts the adjacent pavement. There is a row of two-storey terraced properties directly opposite the front of the site, a couple of two-storey detached dwellings immediately east of the site, a primary school immediately west of the site and a pair of semi-detached dwellings and a grave yard immediately beyond the site's northern boundary.

### *Living conditions - future occupiers*

#### *Outlook*

6. The proposal includes converting the existing building and extending it to accommodate 14 flats (13 x 1-bed and 1 x 2-bed). The windows on the ground and first-floors on the front and side elevations would all be obscure glazed in their bottom panes, to a height of around 1.7 m.
7. The outlook from all floor levels on the proposed rear elevation would be over the private outdoor space, car parking area and beyond.
8. From the ground floor, the outlook from the front would be of the upper half of the properties opposite and the sky; from the western end elevation it would be of the low level roof of the school building and towards the properties and sky beyond; from the eastern facing end elevation it would essentially be towards the sky.
9. From the first floor, the outlook from the front would be towards the roof tops of the properties opposite and the sky; from the western end elevation it would be towards the sky.
10. An additional habitable floor level would be created in the roof space. From this second-floor, with the exception of one new window to be inserted in the front elevation (which would provide an outlook over the rooftops of the properties opposite and beyond), the outlook from the front and both sides would be through roof lights towards the sky.
11. I consider the outlook for future occupiers from all floor levels would be satisfactory.

#### *Privacy*

12. The interface distance between the rear facing elevation of the proposal and neighbouring properties to the north is greater than the distance recommended in the General Design Principles Supplementary Planning Document-2015, (GDPSPD).
13. The orientation of the building relative to neighbouring properties east of the site is such that no privacy issues would arise. Additionally, as the lower windowpane on the ground-floor windows on the eastern facing elevation would be obscure-glazed, privacy levels for future occupiers of flat 5 would be protected from other residents and visitors to the flats.

14. The interface distance between the windows on the front, southern facing elevation of the appeal building and the windows on the front elevation of the dwellings opposite is around 11 m, which, as the Council notes, is well below the distances recommended in the GDPSPD for new dwellings. However, the GDPSPD advises that the interface distances recommended are the ideal and should not be read as minimum standards. The GDPSPD also advises that other factors should be taken into consideration, such as the surrounding development layout, which may not have been designed in accordance with the guidance, and, eg, obscure glazing in windows.
15. Hence, given that the proposal is a conversion of an existing building, the relationship between the appeal building and the dwellings opposite on Church Road is historic. I note the Council's observation that although the existing use has residential accommodation at first-floor level the proposal would increase the number of habitable room windows on the front of the appeal building, thereby intensifying the number of rooms in residential use on the front elevation. However, as noted above, the proposal includes obscure glazing the lower windowpanes of windows at ground and first floor levels. Additionally, the proposed window on the front elevation at second floor level would be sited higher than the windows on the front elevations of dwellings opposite, and at an acute angle.
16. The western facing side elevation faces the outdoor play area of the adjacent school. Again, the windows at ground and first floor levels would have obscure glazing in the lower windowpanes.
17. In respect of windows on the second-floor level at the front and western side, as noted, except for one window, they are all roof lights.
18. Bearing the above factors in mind, I consider the privacy levels for all future occupiers would be of a satisfactory standard.

#### *Private outdoor space*

19. Some of the proposed flats would have their own private outdoor amenity space. The other occupiers would share a communal outdoor space of around 115 sqm (according to the Council's figures, which I have no reason to challenge). I note that the Council's statement refers to the GDPSPD recommendation of 18 sqm of private outdoor space per flat. However, with regards to conversion of an existing building to self-contained flats, the GDPSPD advises that properties "*...should provide an area of screened private open space for the use of residents. This should include adequate storage areas for, and easy access to, bins and clothes drying areas.*" I consider suitable screening of the proposed outdoor space could be secured by condition. Additionally, storage for bins and bicycles is provided in addition to the outdoor space. I therefore consider the proposed private outdoor space areas would be satisfactory for future occupiers of the flats.
20. In light of all the above, I conclude that the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to outlook, privacy and private outdoor space.

*Living conditions - existing occupiers*

21. With regard to the living conditions of occupiers of existing neighbouring properties, the dwellings of most concern are those opposite the appeal building on Church Road.

*Outlook*

22. The proposal includes constructing a two-storey side extension on the eastern side of the building, around the same width as the existing single-storey extension but further forward of it. This would result in their being built form closer to the front elevation of number 64 Church Road and higher than the existing extension. No. 64 has habitable room windows in its front elevation. The front section of the proposed extension would provide an internal stairway for accessing many of the proposed flats; and its front facing elevation would be predominantly glazed. The distance between the proposed extension and No. 64 would be around 15 m. The GDPSPD advises that the recommended distance from a main room window to a blank elevation is 13.5 m. As the interface distance would be greater than that advised in the GDPSPD I consider the resultant outlook from the existing neighbouring property No. 64 would remain satisfactory. I consider the outlook for existing occupiers of other neighbouring properties would also remain satisfactory.

*Privacy*

23. The details outlined above in connection with privacy levels for future occupiers are relevant to the resultant privacy levels for occupiers of the existing properties on Church Road. As noted above, the proposal would intensify the number of rooms in residential use on the front elevation. However, given that the proposal is a conversion of an existing building that includes obscure glazing the lower windowpanes of windows at ground and first floor levels, I consider the privacy levels of the occupiers of existing properties on Church Road would be maintained; and I consider the privacy levels of existing occupiers of other neighbouring properties would also remain satisfactory.
24. Therefore, in light of the above, I conclude that the proposal would not harm the living conditions of existing occupiers with particular regard to outlook and privacy.

*Policy – Living conditions: future and existing occupiers*

25. Bearing the above factors in mind, the proposed development would accord with Policy CG4 of Bolton's Core Strategy Development Plan Document-2011, (CS) and guidance in the GDPSPD. Collectively, and among other things, the policy and guidance seek to ensure that development is compatible with its surrounding land uses and that satisfactory living conditions are provided for future occupiers and the living conditions of existing occupiers are retained.

*Highway safety*

26. The proposed bin store is located at the rear of the site. Therefore, bins would have to be brought to the front of the site for collection. The Council's concern is that this could result in bins being left on either the access road into the site's car park or on the adjoining highway, to the detriment of highway safety.

27. I acknowledge that Church Road is fairly narrow where it passes the appeal building, that cars park on the road, that the site access is close to the junction with Lord Street and that, given the close proximity to 2 schools and a nursery, the roads are congested around drop-off and collection times.
28. However, most of the properties in the area will have to leave their bins close to the vehicle highway or on footway. The proposed arrangement would not really be an exception. The access point is an existing access that would be modified to improve it; gates would be set well back from the highway edge and the access road would allow two-way traffic. The Local highway Authority considered that the level of traffic associated with the proposal would be negligible, with little detriment to the operational capacity of the surrounding highway network. Bearing these factors in mind, I am not persuaded by the assertion that the proposal would have an unacceptable impact on highway safety.
29. I therefore consider that the proposal accords with policies P5 and S1.2 of the CS, guidance in section 4 of the GDPSPD and paragraph 109 of the National Planning Policy Framework. Collectively, and among other things, these policies and guidance require new development to take account of access and servicing arrangements, provide appropriate refuse storage facilities within the site, make appropriate provision for waste collection and recycling and ensure a safe and suitable access to the site can be achieved for all users.

### **Other Matters**

30. In addition to the matters dealt with above, concerns have been raised in respect of the proposed parking level, a three-storey building being out of keeping with the area, the impact on utilities, eg water and waste, potential for anti-social behaviour, safety of children from potential residents, noise disturbance, smells, leaves from trees blocking gutters and drains leading to flooding, and consultation.
31. The site is located within proximity of a range of services and facilities future occupants would require access to in order to meet their day-to-day needs. Public transport options are also available near the site. Additionally, local and national planning policies seek to reduce carbon emissions and promote walking, cycling and public transport usage. I therefore consider the provision of 14 on-site car parking spaces to be sufficient for the proposed number of flats.
32. I observed that there are other three-storey properties within proximity of the site, on Presto Street and at the head of Lime Street. As such, I consider that the proposed additional floor level would not be out of keeping with the area.
33. I have not been provided with any information to demonstrate that the proposal would have a detrimental effect on utilities such as water and waste. Additionally, no evidence has been provided to substantiate the claims that future occupiers of the flats would engage in anti-social behaviour or cause a particular threat to the safety of children.
34. The lawful use of the site as a public house and stables/small holding would generate a certain extent of refuse storage and smells. The extent and siting of the bin store is considered not to have any greater impact on the living

conditions of occupiers of existing properties due to noise disturbance or smells.

35. I note that the proposed site layout indicates some planting along the boundary with number 65 Church Road. However, the landscaping details have not yet been agreed and are to be secured by condition.
36. I do not know the full details of consultation carried out by the Council. However, I note that the Officer Report to Committee states that the consultation period was extended on 2 occasions to allow residents more time to comment. There is no evidence before me to demonstrate that the statutory consultation requirements have not been adhered to.

### **Conditions**

37. Suggested conditions have been considered in accordance with advice contained in the Planning Practice Guidance and the tests within the Framework. Some have been amended for clarity and to accord with relevant guidance and policy.
38. To ensure identification of approved plans a condition listing the plans is attached. I have attached conditions related to Construction Management, vehicle access, visibility splays, the adjacent footway, car parking layout and removal of unnecessary street furniture in the interest of highway safety. A condition securing the provision of cycle storage facilities is attached to promote modes of transport other than the private motor car. A condition securing the provision of refuse storage facilities is attached in the interest of public health. A surface water drainage condition is attached to prevent flooding. A biodiversity protection and enhancement condition is attached to protect and enhance biodiversity in accordance with relevant legislation and the Framework. A condition demonstrating how CO2 emissions can be reduced is attached in the interest of protecting the environment. Landscaping, boundary treatments, external lighting and external materials conditions are attached to protect the character and appearance of the area and the living conditions of occupiers of existing properties. Conditions related to windows and doors are attached to protect the character and appearance of the area and secure privacy levels for existing and future occupiers

### **Planning Balance and Conclusion**

39. For the reasons outlined above, I have found that the proposal accords with the development plan. I consider that there are no other material considerations that would lead me to conclude other than in accordance with the plan; I therefore conclude that the appeal is allowed.

*J Williamson*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Plans & Elevations - Drawing No. 002, Rev D; Proposed Site plan, Proposed Bin, Cycle Store - Drawing No. 003.
- 3) Prior to commencement of any groundworks a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. At minimum, the CMS shall provide for:
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - the erection and maintenance of security hoarding;
  - measures to control the emission of dust and dirt during construction;
  - a scheme for recycling/disposing of waste resulting from demolition and construction works, and
  - delivery, demolition and construction working hours.

The approved CMS shall be adhered to throughout the period of development.

- 4) Prior to commencement of any groundworks, full details of surface water drainage works shall be submitted to and approved in writing by the local planning authority. Before the details are submitted an assessment shall be carried out to investigate the potential for disposing of surface water by means of a sustainable drainage system, in accordance with the principles set out in the National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:
  - i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface water;
  - ii. Include a timetable for its implementation, and
  - iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved works shall be implemented in full prior to any of the flats hereby approved being first occupied and retained for the lifetime of the development.

- 5) Prior to commencement of any above ground construction works, details of the following highway works shall be submitted to and approved in writing by the local planning authority:  
  
Site access from Church Road - which shall comprise of the means of vehicular access to the site from Church Road, which shall be constructed to a minimum width of 5 metres with 4 metres radii and 1 No. 2 metre wide footway.  
  
Footway on Church Road - which shall comprise of re-surfacing of the footway on Church Road across the width of the site boundary, and once the demolition/construction phases are complete any redundant street furniture to be removed from the highway.  
  
The approved details shall be implemented in full prior to any of the approved flats being first occupied and retained for the lifetime of the development.
- 6) The development shall be carried out in complete accordance with the recommendations in the Survey of Bats and Birds completed by Echo Calls Bat Surveys, dated 8<sup>th</sup> March 2019. Prior to commencement of any above ground construction works, in accordance with the survey recommendations, a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the flats hereby approved being first occupied and retained for the lifetime of the development.
- 7) Prior to commencement of any above ground construction works, an energy assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall include a scheme which details how either (i) renewable energy technology or low carbon energy sources or (ii) an alternative scheme, for example design measures to the built form of the development, shall reduce CO2 emissions of predicted energy use of the development by at least 10% below the baseline of Building Regulations Part L standards. The development shall be completed in accordance with the approved details and retained for the lifetime of the development.
- 8) Prior to the development hereby approved being first occupied or brought into use, a scheme detailing how the areas of the site to be used by vehicles will be laid out, constructed, surfaced, drained and lit, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the approved flats being first occupied and retained for the lifetime of the development without impediment to the designated use.
- 9) Prior to commencement of any above ground construction works, details of visibility splays at the junction of the site access road and Church Road, including areas to be maintained free of obstructions, shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to any of the approved flats being first occupied.
- 10) Prior to any of the approved flats being first occupied, no less than 14 No. car parking spaces, with minimum dimensions of 2.4 metres by 4.8 metres, shall be provided within the site, marked out and numbered, in

accordance with the approved plan 003. The spaces shall be retained for the lifetime of the development without impediment to their designated use.

- 11) Prior to the removal of any trees or hedges from within the site, a scheme of landscaping, both hard and soft, shall have been submitted to and approved in writing by the local planning authority. The scheme shall include indications of any existing trees, hedges, or shrubs on the land, identify those to be retained and if relevant set out measures for their protection throughout the course of development.
- 12) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 13) Prior to the development being brought into use, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the approved flats being first occupied and retained for the lifetime of the development.
- 14) Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples or full details of materials to be used externally on the building, including details of render on the existing building, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour, and texture of the materials. The development shall be completed in accordance with the approved details.
- 15) Prior to any doors or windows being installed, a detailed specification of all doors and windows shall be submitted to and approved in writing by the Local Planning Authority, including the obscure glazing details of the windows to be obscure glazed. The windows shown on approved plan 002 Rev D as having the bottom pane obscure glazed shall be top opening only. The approved details shall be implemented in full prior to any of the flats hereby approved being first occupied and retained as such for the lifetime of the development.
- 16) All windows shown on approved plan 002 Rev D as being obscure glazed shall be obscure glazed prior to any of the approved flats served by those windows being first occupied. The obscure glazed panes shall be retained thereafter for the lifetime of the development.
- 17) Prior to the installation of any external lighting, details shall first have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to any of the flats hereby approved being first occupied.
- 18) Prior to the approved flats being first occupied, the bin storage facilities shown on plan 003 shall be provided and available for use. The facilities shall be retained for the lifetime of the development.

- 19) Prior to the approved flats being first occupied, the cycle storage facilities shown on plan 003 shall be provided and available for use. The facilities shall be retained for the lifetime of the development.

<<<<End of Schedule>>>>