
Appeal Decision

Site visit made on 9 November 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2021

Appeal Ref: APP/N4205/D/21/3277944

3 Longridge, Bromley Cross, Bolton BL7 9NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Samuel Bowles against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 10568/21, dated 17 February 2021, was refused by notice dated 6 April 2021.
 - The development proposed is enlargement of a dwellinghouse by construction of additional storey (9.45m max height).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for enlargement of a dwellinghouse by construction of additional storey (9.45m max height) at 3 Longridge, Bromley Cross, Bolton BL7 9NP in accordance with the application Ref: 10568/21, dated 17 February 2021, and the details submitted with it, including plans labelled: *Location Plan; Existing Details, Ref Sheet 1; Proposed Plans, Sheet 2; Proposed Elevations, Sheet 3.*

Preliminary Matters

2. The description used in the banner header above has been taken from the appeal form as it more concisely describes the proposal than that included on the application form.
3. The proposal was submitted as a prior approval application under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Although the Council have referred to Policies CG3 and CG4 of the Bolton Local Development Framework Core Strategy Development Plan Document (the CS) (adopted March 2011), I am required to assess the proposal as a prior approval application as set out within the parameters of the GPDO. Regard can be given to development plan policies insofar as they are material considerations, however they are not in themselves determinative.
4. The Council has concluded that the proposal is eligible to be considered under the prior approval process and have not raised any conflict with the requirements of section AA.1 (a)-(k) as set out in the GPDO. I have no evidence before me to conclude differently. Similarly, there are no conflicts with regard to any of the conditions set forth in section AA.2(2) (a-d).

Accordingly, the focus of this appeal will be the conditions of section AA.2.(3)(A).

5. The reason for refusal detailed in the decision notice refers to the effect of the proposal on the character and appearance of the dwelling and the surrounding area. However, I have dealt with the appeal in accordance with the conditions given in section AA.2(3)(ii) which refer to the external appearance of the dwellinghouse, including its principal elevation and any side elevations that front a highway, but not the area.

Main Issues

6. The main issues are the effect of the proposal on the external appearance of the dwellinghouse and on the amenity of occupiers of No.8 Highland Road.

Reasons

External Appearance of the Dwellinghouse

7. The host dwelling is a single-storey bungalow with a pitched roof. The external surface includes a mix of red brick and cladding to the front. The property occupies an elevated position within the streetscene and is set back from the road behind a generous and open front garden.
8. The proposal would add an additional storey to the bungalow which would retain the pitched form of the host roof. I understand the concerns of the council regarding the additional mass at first floor level. The resulting dwelling would be materially larger than the existing bungalow, and indeed others in the area. However, this is an intended consequence of the permitted development right under Class AA. As such, this would not in and of itself provide a reason to withhold prior approval. Moreover, the overall height of the proposal would be within the limits set forth in this part of the GPDO. The gables to either side would be built from matching materials while fenestration to the front would be of a similar layout and not disproportionate in size to that of the original front elevation.
9. Given the above, the proposal would not result in unacceptable harm to the external appearance of the dwellinghouse, particularly given my findings that the proposal would respect the architectural features of the principal and side elevations in terms of materials, roofing and fenestration design.

Living Conditions

10. The rear garden of the appeal dwelling adjoins that of No.8 Highland Road at a right angle. The proposed first floor of the host dwelling would include two windows to the rear, although these are clearly demonstrated on the plans as obscure glazed with restricted openings. As such, while the windows would offer some views to the rear, this would only occur when the windows were open and at an oblique angle given the respective layouts of the two adjacent plots. Moreover, the boundary between the two properties is marked by a close boarded fence and there are two large mature trees in the rear garden of No.8 which would further prohibit overlooking. Accordingly, the proposal would not result in unacceptable harm to the amenity of an adjoining premises with regards to overlooking and privacy.

11. The Council has expressed further concern that in order to maintain the privacy of No.8, the obscure glazed windows to the rear would impact on the living conditions of the occupier of the appeal property. However, the GPDO requires an assessment of impacts on amenity of adjoining premises. There is no requirement to consider the occupier of the appeal property in this regard. I have not considered this matter as a result.

Conditions

12. Prior approval under Class AA is subject to a number of conditions which are specified within paragraph AA.2.(2) and (3). It is not necessary to repeat these within the formal decision, but to assist the parties, they are summarised below.
13. Sub-paragraph (2)(a) requires that materials used in the exterior work must be of a similar appearance to those used in the existing dwellinghouse; (b) precludes windows in any wall or roof slope forming a side elevation; (c) requires the roof pitch of the principal part of the dwellinghouse to be the same as that of the existing house; and (d) requires that following the development, the dwellinghouse must be used for no other purpose than that falling within Class C3 of the Use Classes Order.
14. Sub paragraph (3)(b) specifies that before beginning the development, the developer must provide a report for the management of the construction, including hours of operation and measures for the mitigation of any impacts of noise, dust, vibration and traffic on adjoining occupiers. Development must be completed within three years of prior approval being granted to accord with sub paragraph (3)(c), and notification of the completion of development are required under (3)(d) and (e).

Conclusion

15. For the above reasons, I conclude that the appeal should be allowed, and prior approval granted.

C McDonagh

INSPECTOR