



Appeal Decision

Site visit made on 15 November 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17th December 2021

Appeal Ref: APP/N4205/W/21/3277634 30 – 32 Great Moor Street, Bolton BL1 1NJ

- 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 Rafooq Anwar against the decision of Bolton Council.
 - The application Ref 08691/20 dated 23 June 2020 was refused by notice dated 25 February 2021.
 - The development proposed is the change of use of first and second floors from vacant storage and communal areas to 10 No. bed house of multiple occupancy (HMO) together with external steel staircase at side.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken account of the National Planning Policy Framework (published 20 July 2021, the Framework) on which the main parties have had the opportunity to comment at appeal.
3. The description of development has also been taken from the appeal form and decision notice as this refers to 10 bedrooms rather than 11 bedrooms as per the application form. From the evidence submitted, the number of bedrooms was reduced during the application process and amended plans were submitted to the Council in this regard.

Main Issues

4. The main issues are the effect of the proposed development on: the character and appearance of the surrounding area; and the living conditions of future occupiers with particular regard to outlook, light and the provision of external amenity space.

Reasons

Character and Appearance

5. The appeal site is a three storey property with retail units at ground floor and vacant storage in the upper floors. It is within the civic and retail core of Bolton among a mix of commercial and residential uses. The front façade is defined by a regular pattern of large windows. This provides a pleasing and uncomplicated appearance that picks up on similar patterns of fenestration nearby such that it reflects, and contributes positively to, the surrounds.

6. The proposal seeks to convert the vacant storage area at the property to a house in multiple occupation (HMO). Through introducing 10 bedrooms at the site the proposal would change the way the building is used. The nature of HMOs means that occupiers may arrive and leave independently of one another, increasing the number of comings and goings and the associated noise.
7. However, in the context of a busy shopping area, such increase in noise and trips to and from the building would be unlikely to have any discernible effect on the character of the area. This is particularly the case given the presence of other nearby residential uses, including student accommodation. While movements outside retail hours might increase activity on the street, the nearby train station and other housing will already contribute in this regard, such that activity associated with the proposed HMO would not be unduly out of character for the immediate area.
8. A steel staircase would also be introduced on the side elevation, located beside a similar structure serving the adjacent property. While the buildings differ in appearance, the presence of the nearby staircase would ensure this aspect of the proposal would not appear out of place. Although it would be visible from Great Moor Street, due to its set back from the front elevation and smaller dimensions than the other staircase, it would not create a sense of clutter.
9. However, in subdividing the property, certain windows on the front elevation would be broken up. This would upset the current uniform arrangement of large windows, creating a more complicated and adhoc pattern of fenestration that would cause disruption to the façade and appear visually jarring. It would fail to pick up on the surrounding consistency of glazing present in nearby properties and as such would appear out of place. In this sense it would cause undue visual harm to the building and the immediate area.
10. For the reasons given I find that the development would have an adverse effect on the character and appearance of the host dwelling and the surrounding area. In this regard it would fail to accord with Policy CG3 of Bolton's Core Strategy Development Plan Document Shaping the Future of Bolton, adopted March 2011 (the Core Strategy) and the General Design SPD (the SPD), which seek to ensure development proposals are not detrimental to the character of surrounding areas.

Future Occupiers

11. Proposed bedrooms 1 and 6 on the first floor and bedroom 7 on the second floor would each be served by one window. As habitable rooms the occupiers would expect a certain level of outlook. However, these windows would look directly onto the nearby side elevation of the adjacent property (at an approximate distance of 4.2m as set out in the Council's officer report). This neighbouring expanse of built form in such close proximity would be overbearing, restricting the outlook from these locations and creating a clearly adverse sense of enclosure.
12. For similar reasons limited natural light would also be experienced in these rooms, where individuals would, in all likelihood, spend a significant proportion of time. By virtue of the positioning of the windows relative to the neighbouring property, and the limited narrow corridor of space between the two buildings, the amount of natural light experienced would be limited.

Overall, this restricted outlook and limited light experienced in bedrooms 1, 6 and 7 would negatively impact the enjoyment of these rooms for future occupiers.

13. The proposal does not include any outdoor amenity space for future occupiers. Given the nature of the development external space would reasonably be expected by residents in order to accommodate reasonable residential requirements following the change of use, such as sitting out or drying washing. The lack of such space would therefore contribute to poor living conditions for the future occupiers. My findings in this regard are somewhat supported by the SPD, which sets out amenity space standards and advocates outside space provision in respect of flats (albeit that this does not specifically reference HMOs).
14. It is recognised that the site is in a town centre, currently has no external space, and that a Juliet balcony has been proposed. The appellant has also made it clear that they have provided additional internal communal space to offset the lack of outdoor amenity area. However, this does not fully replicate the role that an external area of private space would play in providing adequate living conditions. Similarly, while general reference has been made to other development with a lack of outdoor space, no detailed information on this has been provided such that limited weight can be attached to this argument.
15. For the reasons given I find that the development would have a significant adverse effect on the living conditions of future occupiers. In this regard it would fail to accord with Policy CG4 of the Core Strategy and the SPD, which seek to ensure adequate living conditions.

Other Matters

16. The appellant mentions that the Council referred to bedrooms 1, 6 and 7 as being inadequate sizes. However, the Council has stated that all bedrooms of the proposal meet its housing standard requirements. On the basis of the evidence before me, I have no reason to disagree.
17. Reference has been made to the fact that future residents of the proposal could contribute to the economic activity and viability of the town centre. However, given the modest increase in residents as a result of the proposal, limited weight is attached to this.
18. The proposal would also provide additional housing to meet overall targets and contribute towards a housing mix, and would make efficient and effective use of land in the town centre. However, this does not outweigh the requirement for such housing development to provide adequate living conditions for occupiers.

Planning Balance Conclusion

19. I have found that use of the property as a HMO and the presence of a steel staircase would not cause harm to the character of the surrounding area. However, taken together with the limited weight afforded to the matters referred to above, this does not outweigh the other significant harm identified to the character and appearance of the surrounding area and to the living conditions of future occupiers by the proposal.

20. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR