



Appeal Decision

Site visit made on 18 January 2022

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2022

Appeal Ref: APP/N4205/W/21/3281902

Unit 3, 113 Bradshawgate, Bolton BL1 1QD

- 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 YSN Group Ltd against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 10624/21, dated 28 February 2021, was refused by notice dated 26 April 2021.
 - The development proposed is change of use from offices to 4 x 2 bedroom flats and 1 penthouse with construction of dormers in the roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the building and the surrounding area.

Reasons

3. The appeal site relates to a three-storey brick building positioned at the corner of Silverwell Lane and Brightmet Street. It is located within the Council's allocated Merchants Quarter and in close proximity to the Trinity Quarter of the town centre. Properties in the area are of a mix of commercial and residential. The majority of buildings are characterised as red brick mill buildings, retaining architectural features and detail of past uses and their former heritage.
4. Redevelopment has taken place in the area leading to contemporary buildings nearby to the site and large apartment blocks that have been constructed along Silverwell Lane and Clive Street. These blocks feature a considerable degree of variation in heights, form, appearance, materials and offer little visual merit to the character or appearance of the immediate and wider area.
5. Nonetheless, the main elevation of the appeal building fronts onto Silverwell Lane and contains a regular rhythm of openings with stone sills and lintels. Some which have been bricked up and roller shutters added to ground floor openings. An alleyway separates the building from the towering neighbouring apartment blocks, resulting in it being seen as a separate entity. Views are afforded of the side and rear elevations from within the immediate surrounding area of Brightmet Street, Carlton Street and Bradshawgate.
6. Although, it appears that the building has been neglected for some time in part, with the blocking up of openings and no modernisation. It retains original features on the brick elevations and has some architectural merit, which

- positively contributes to the character and appearance of the immediate and surrounding area, including when viewed from those nearby streets.
7. The proposal would result in the change of use of the first and second floor of the building with the retail use at ground floor remaining. It involves the addition of pitched roof dormers, a flat roof dormer and Juliette balconies to the front elevation. The principle of such residential development is acceptable within the area and the site is within a sustainable location with links to the town centre, public transport, local services and shops.
 8. However, to facilitate the change of use there would be significant alterations to the external appearance of the building resulting in an unwelcome façade and poor design. The fenestration would be excessively changed in terms of the type and number of openings including the loss of stone sills and lintels. This would lead to a random and unbalanced arrangement of openings to the front elevation, detracting from the original formal composition of the building. This would be further exacerbated by the introduction of a small entrance door and the larger openings with Juliette balconies.
 9. The addition of a large flat roof dormer centrally positioned would appear overly excessive and bulky. It would sit rather awkwardly in between the addition of two further pitched roof dormers. Taken together these would dominate and alter the existing simple roof profile, whilst introducing a mix of random roof elements, to the detriment of the appearance of the building.
 10. Furthermore, the proposal would result in all elevations on the building being 'K' rendered that would be of a stark and incongruous appearance. Despite, other buildings nearby having render features this would be out of context with the adjoining brick buildings that run alongside the appeal site at Brightmet Street to Bradshawgate. As such, all these alterations and additions would significantly alter and detract from the original character and appearance of the host building and the surrounding area.
 11. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the building and the surrounding area. It would be contrary to Policies CG3 and TC11 of Bolton's Core Strategy, Development Plan Document, 2011 (CS). These policies expect proposals to display innovative, sustainable designs that contribute to good urban design, protects, strengthens and enhances the townscape and improves street frontages.
 12. It would also be at odds with the Council's General Design Principles Supplementary Planning Document, Section 1 which aims to inform and seek new development in respect of character and sense of place, and well-designed buildings.

Other Matters

13. The site is located nearby to the Mawdsley Street/Nelson Square (CA) and while the effect of the proposed development on the CA is not in dispute, I am mindful of my statutory duty in this regard. The Council has raised no concerns to the proposal in this respect. Given that the site is located some distance from the historic core of the town centre, restricted in view from the CA. The proposal is likely to have a negligible effect on this CA and would, therefore, preserve its overall character and appearance.

14. I have had regard to the other buildings that have been drawn to my attention by the appellant in the area. However, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, in respect of scale, use, materials and development plan policy. In any case, I must consider the appeal on its own merits.
15. Although the proposed development would not cause any harm to the living conditions of future or existing nearby occupiers including, outlook, privacy and overlooking, these considerations do not outweigh the harm caused by the development.

Planning Balance and Conclusion

16. The Council cannot demonstrate a five-year supply of deliverable housing sites and the shortfall is described as 'substantial'. Consequently because of the provisions of footnote 8, paragraph 11 d)ii of the National Planning Policy Framework (the Framework) should be applied. It requires planning permission to be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
17. The CS dates from 2011, but the weight to be attached does not hinge on age. Rather paragraph 219 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework makes it clear that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what planning and development should achieve. It requires decisions to ensure developments will function and add to the overall quality of an area, are visually attractive as a result of good architecture, and are sympathetic to local character and history.
18. Even taking account of the objective of boosting significantly the supply of housing and the Council's housing land supply position, the conflict between Policies CG3 and TC11 should therefore be given significant weight in this appeal.
19. Set against the harm identified there would be limited social and economic benefits associated with the proposal. The additional units would make little difference to the overall supply of housing and the support the extra households would provide to the local economy. Consequently, the adverse impacts on the character and appearance of the host building and surrounding area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
20. The proposed development would be contrary to the development plan taken as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should not succeed.

K A Taylor

INSPECTOR