



Appeal Decision

Site visit made on 10 June 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal Ref: APP/N4205/D/22/3292853

5 Sledmere Close, Bolton BL1 8JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr M Kapasi against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 12404/21, dated 1 October 2021, was refused by notice dated 7 December 2021.
 - The development proposed is proposed additional upper storey to dwelling materials and design will match the existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the proposal in the heading above has been taken from the application form. However, in Part E of the appeal form it is stated that the description has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are the effect of the proposal on the:
 - External appearance of the dwellinghouse; and
 - Amenity of residents of 1 Sledmere Close in respect of outlook and light.

Reasons

External Appearance

4. The appeal site is at the end of a terrace located on a residential estate. Although there is some variation in the form of buildings in the wider area, the dwellings that make up this terrace and estate are of a relatively consistent design and scale. The existing dwelling complements this design and scale. Due to this, the relationship of the appeal site with the terrace and the wider estate

are, in this case, relevant aspects of the consideration of the effect of the development on the external appearance of the dwellinghouse.

5. The proposal would lead to a significant increase in the height of the dwellinghouse. Due to the projection above nearby properties, this would introduce a jarring and discordant element into this relatively cohesive group of buildings. The flank walls of the extension would be readily apparent projecting above the surrounding buildings, and would be an obtrusive and incongruous feature within this estate.
6. There is a step in the roof line of the terrace, although this is of a very limited scale and does not set a context for the increase in height which would result from the appeal proposal. The appeal site is located at the end of a terrace, and the appellant refers to end terrace properties being of an increased height acting as a 'book-end'. However, this 'book-end' arrangement is not a feature of this estate, and consideration of this matter does not lead me to a different conclusion in respect of the incongruous appearance of the proposal. Although the design of the extension would reflect the existing first floor and would use matching materials, this would not be sufficient to overcome the harm arising from the increase in height and prominence.
7. For the above reasons, I conclude that significant harm would be caused to the external appearance of the dwellinghouse, with consequent harm to the character and appearance of the area. The GPDO sets out that regard should be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval. Due to the identified harm, the proposal would conflict with the Framework in respect of achieving well-designed places. Insofar as it is relevant to this matter, the proposal would also conflict with the urban design considerations of policy CG3 of the Council's Core Strategy 2011.
8. The Council refers to the House Extensions SPD⁽¹⁾ 2012, although the extract provided to me does not address the matter of external appearance. However, this does not negate my conclusions on this matter.

Amenity

9. Habitable rooms of 1 Sledmere Close face onto the gable wall of the appeal site. The evidence suggests that this includes a lounge window which would represent a main window serving a main habitable room.
10. The Council refers to guidance on the separation distances between dwellings, which in respect of the appeal proposal for an additional upper storey would recommend a separation distance of 16.5m⁽²⁾ between the extension and the facing elevation of No 1. Although this is only guidance, I consider that this is a useful rule of thumb in assessing matters including the visual impact of a proposed extension as well as loss of light. The appellant refers to a separation distance of 14m, which is significantly less than that referred to by the Council. The separation distance between the appeal site to No 1 and the likely effect of an increase in the height and bulk of the building arising from the proposal were also apparent on my visit.

¹ Supplementary Planning Document

² 13.5m Plus 3m for each additional storey

11. Based on what I have seen and read, due to the increase in height and bulk of the appeal site as well as the proximity to No 1, the proposal would have an overbearing relationship with a lounge window of the neighbouring dwelling. The appeal site is also located to the south of No 1 and, due to this arrangement, the increase in height and massing arising from the proposal would lead to an unacceptable loss of light and increase in overshadowing to No 1. This would be the case even allowing for the relatively shallow roof pitch of the proposal.
12. The appellant refers to the lounge of No 1 being a 'sunshine room' with windows at both ends. However, this does not mean that either window serving the lounge should be discounted as being a main window. Given the scale of the proposal and its relationship with the south-facing window of No 1, the internal layout of the neighbouring property would not mitigate for the harm arising to outlook and light.
13. I therefore conclude that the proposal would lead to significant harm to the amenity of residents of No 1 in respect of outlook and light. The proposal would therefore be contrary to the Framework which seeks to achieve a high standard of amenity for existing and future users of land and property. Insofar as they are relevant to this main issue, the proposal would conflict with the amenity considerations of policy CG4 of the Core Strategy as well as the House Extension and General Design Principles SPDs.

Other Matters

14. I have had regard to the appellant's circumstances, including their wish to improve accommodation for their family and concerns about extending the dwelling to the rear. However, these matters do not fall within the remit of this application for prior approval, and in any event would not outweigh the significant harm I have identified.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR