



Appeal Decision

Site visit made on 23 May 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2022

Appeal Ref: APP/N4205/W/21/3289733

27 Barnfield Close, Egerton, Bolton BL7 9UP

- 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 Alan Chapman against the decision of Bolton Metropolitan Borough Council.
- The application Ref 12015/21, dated 12 August 2021, was refused by notice dated 21 October 2021.
- The development proposed is described as “proposed detached dwelling on land adjacent to 27 Barnfield Close”

Decision

1. The appeal is allowed, and planning permission granted for a proposed detached dwelling on land adjacent to 27 Barnfield Close, Bolton BL7 9UP in accordance with the terms of the application, Ref 12015/21, dated 12 August 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal site has been the subject of two previous unsuccessful appeals¹. I have not been provided with the full details of these appeals. However, from what I have seen and read these appeals appear to relate to materially different proposals than the one before. I have determined the appeal accordingly and based on the available evidence.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development would provide sufficient living conditions for future occupiers with regard to the provision of private external amenity space.

Reasons

Character and Appearance

4. Barnfield Close is a steeply inclined cul-de-sac of semi-detached two storey houses, some of which have previously been extended. The houses have short open front gardens with private gardens to the rear. They are stepped in pairs

¹ APP/N4205/W/19/3242464 & APP/N4205/W/20/3264317

as they rise up the incline so that flank walls are visible as the close curves upwards towards Cox Green Road. The appeal property is at the top of the close. It has a large open front garden affording views from the close to the hillside beyond. Cox Green Road runs perpendicular to the close and defines the edge of the built-up limit of the residential area.

5. The proposal is for a detached house in the garden of No. 27. The house would be stepped slightly forward of Nos. 25 and 27 in a similar manner to those lower down the close. By maintaining most of the gap between the appeal property and the house opposite and maintaining the sense of rhythm up the close, the proposed house would not erode the gap at the top of the close. Therefore, the proposal would not unacceptably interrupt the open view from within the close towards the hillside beyond the edge of the built-up area, as was the case in the two previous appeals.
6. The proposed house would be detached, whilst other houses on the close are semi-detached. However, the proposed house would not appear out of keeping with the locality in general, nor would it appear incongruous when viewed from Cox Green Road, where the houses are more mixed both in terms of appearance and layout in relation to the road. Given the plot sizes of the properties in the close and the surrounding area relative to that proposed, the proposal would not result in a cramped form of development which would be detrimental to the overall character and appearance of the area.
7. The proposal has been designed in a similar style to the surrounding properties and would therefore not be at odds with the houses immediately surrounding it. Nor would it appear excessively taller than the properties around it, even taking into account the rising ground levels on the close.
8. I have taken account of the representations made by local residents with regard to this matter in coming to my conclusion and I acknowledge that a dwelling in this location may alter the views from some of the properties on the close. However, for the reasons stated, the proposal would not be harmful to the character and appearance of the area. Moreover, the Council raised no concerns in respect of the effect of any loss of view on the living conditions of nearby residents and I can see no reason to reach a different conclusion on this matter.
9. I conclude that the proposed development would not have an adverse effect on the character and appearance of the area. Therefore, it would not conflict with Policies OA5 and CG3 of the Local Development Framework Bolton's Core Strategy Development Plan Document (adopted March 2011) (CS) which, amongst other things, seeks to ensure that development proposals conserve the character and appearance of the area.

Living Conditions

10. The majority of the external amenity space for the proposed house would be at the front. A small courtyard garden enclosed by a 1.8m high wall to the side and rear of the proposed house would provide an enclosed garden area. A larger grassed area to the front of the property would provide a pleasant outlook from the proposed dwelling and would be available for the use of the occupiers.

11. The enclosed garden area to the side and rear of the property would be below the recommended level set out in the Council's General Design Principles Supplementary Planning Document (SPD)². However, the overall provision of amenity space in the private ownership of the proposed dwelling would far exceed the recommended level of provision in the SPD. As the SPD provides no definition of what it meant by "private amenity space" and having regard to the amount and location of the garden associated with the proposed dwelling, I consider that what is proposed is acceptable.
12. For the above reasons, I conclude that the proposed development would provide sufficient living conditions future occupiers with regard to the provision of private external amenity space. The proposal would therefore not conflict with the advice set out in the SPD.

Other Matters

13. I have had regard to the comments and submissions made by local residents regarding parking provision, traffic congestion and pedestrian safety particularly for children. The Highway Authority did not object to the proposal and highway safety did not form one of the Council's reasons for refusal. I have no substantive evidence before me which would lead me to reach a different conclusion in relation to this issue and I am satisfied that the proposal would not lead to any significant risk to highway safety.
14. Residents have made representations to me on a wider basis, which include concerns regarding the standard of the accommodation provided, privacy distances, the proposal being on Barnfield Close not Cox Green Road, drainage issues, noise impact, overlooking, resale value, precedent, the existing property being already extended and the effect on light.
15. However, the effect of the proposal on the value of property is not a material consideration on which I can attach any significant weight. With regard to the other concerns, these did not form part of the Council's reasons for refusal, and I am satisfied that these would not result in a level of harm which would justify dismissal of the appeal. Having carefully considered the appeal entirely on its own merits and in the light of the information before me any future proposals would also need to be considered in the same manner. Hence allowing the appeal here would not set a precedent for further similar development in the area.
16. Whilst I understand that my decision will be disappointing for some local residents, the evidence before me does not lead me to conclude that these matters either individually or cumulatively, would be overriding issues warranting dismissal of the appeal.

Conditions

17. I have imposed conditions which I consider necessary having regard to the advice in the Planning Practice Guidance. This is in the absence of suggested conditions from the Council. The main parties have had the opportunity to comment on any new conditions not previously suggested by a Council consultee. I note the appellants concerns regarding the Council discharging the conditions, however, this not a matter before me.

² undated

18. A condition specifying the approved plans is necessary and reasonable in the interests of certainty. Conditions requiring details of the external appearance, finished floor levels and ridge heights and refuse storage are all necessary in the interests of the appearance of the finished development. I have imposed conditions regarding contamination in the interests of environmental protection. A Council consultee also suggested a condition relating to external lighting. Given the location of the development, this is not necessary to make the development acceptable.
19. I have imposed a condition requiring on-site parking provision and vehicular access to be in place prior to the occupation of the proposed dwelling in the interests of highway safety. Details of the provision of cycle storage are also necessary in the interests of sustainable travel options in line with the provisions of the National Planning Policy Framework. A condition limiting the hours of construction is necessary and reasonable in the interests of residential amenity given the location of the appeal site.

Conclusion

20. For the reasons given above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed subject to the conditions set out in the schedule attached to this decision.

Katherine Robbie

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: Location Plan; EX K959/01; PL K959/01; Untitled Plans and Elevations.
- 3) No above ground development shall commence until details of the external facing materials to be used in the construction of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of the ground floor levels, ridge height and finished floor levels of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No dwelling hereby permitted shall not be occupied until details of cycle storage are submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) No dwelling hereby permitted shall not be occupied until details of refuse storage are submitted and approved in writing by the local planning

authority. The development shall be carried out in accordance with the approved details.

- 7) The development shall be carried out fully in accordance with the following approved Site Investigation: Land North 27 Barnfield Close Egerton, Bolton, dated September 2020 (ref: A200905-R01 by Adeptus Consulting).

Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation.

During the period of construction, should any unforeseen contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate remediation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed remediation measures.

- 8) The dwelling hereby permitted shall not be occupied until a Verification Report is submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that no unforeseen contamination was found and that all remedial works undertaken on site were completed in accordance with those agreed by the Local Planning Authority. The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided. Occupation of the dwelling hereby approved shall not commence until this time.
- 9) No soil or soil forming materials shall be brought to the site until a testing methodology including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information has been submitted to and approved in writing by the Local Planning Authority. The approved testing methodology shall be implemented in full during the importation of soil or soil forming material. Prior to the development being first occupied a verification report including soil descriptions, laboratory certificates and photographs shall be submitted to and approved in writing by the Local Planning Authority.
- 10) The dwelling hereby permitted shall not be occupied until the vehicular access and parking facilities are provided in accordance with the approved plans such facilities shall be retained thereafter for those purposes.
- 11) No demolition or construction work (including deliveries to and from the site) shall take place outside the hours of 0800 and 1800 Monday to Fridays and 0800 and 1300 on Saturdays and no times on Sundays or Bank Holidays.

End of Schedule