The Planning Inspectorate

Appeal Decision

Site visit made on 22 May 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2023

Appeal Ref: APP/N4205/D/23/3320434
11 Hawthorne Avenue, Farnworth, Bolton BL4 0AZ

- 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 Robinson against the decision of Bolton Council.
- The application Ref 15137/22, dated 9 December 2022, was refused by notice dated 1 March 2023.
- The development proposed is a garden building.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The garden building is already in place. It is screened in some views by the high hedge. In longer views only the roof form is visible. Its dark colour helps to reduce the impact of the eaves in these views. However, the building is clearly apparent above the side fence when approaching along North Avenue from the west; and through the gaps in the hedge when travelling north along Hawthorne Avenue. In these views, it appears as an incongruous and dominant addition, particularly given the corner location. It also appears cramped within the garden area given its proximity to the conservatory. Whilst I note the suggested material changes, a structure of this size, in this location, would result in harm to the character and appearance of the area, regardless of the facing materials. It represents poor design in this particular context.

4. Given the above, the building conflicts with the design objectives of policy CG3 (parts 1, 2 & 3) of Bolton's Core Strategy 2011. As this policy generally accords with the design aspirations of the *National Planning Policy Framework*, I afford it full weight. I note the reference to policy RA2 but consider policy CG3 to be of most relevance. The council's Supplementary Planning Document - House Extensions 2012 does not appear to refer to garden rooms.

5. Reference has been made to the potential to include a condition requiring the retention of the high hedge. Such conditions can be problematic in these circumstances as the remedy to a breach of condition that involves a height

reduction or removal of the hedge would be to require that it be allowed to grow back to the original height or that it be replaced. In both cases, this would increase the exposure of the building to greater view, possibly for a significant period unless some temporary intermediate screening solution was accepted. In any event, the building is not acceptable even with the hedge in place at its current height.

6. It is suggested that a building that would not require planning permission could be built using permitted development rights. It has not been demonstrated what changes would be required for the building to fall within the permitted development tolerances but it would appear that these may be significant. In the absence of a certificate of proposed lawful development; and as this building clearly requires consent, limited weight can be afforded to the potential for a smaller structure to be built.

7. I do afford weight to the benefits of the building given the improved living space that it provides and the economic investment that has taken place. I also afford some weight to the support offered by local residents.

8. Overall, the proposal would result in harm to the character and appearance of this area. I conclude that the matters that weigh in favour of the development are not sufficient to outweigh this concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR