
Appeal Decision

Site visit made on 19 July 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2023

Appeal Ref: APP/M2372/D/23/3323456

1 The Copse, Edgworth, Bolton BL7 0DP

- 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 C Bradshaw against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/22/1142, dated 4 December 2022, was refused by notice dated 5 May 2023.
 - The development proposed is a dormer to be added to the south east elevation and alterations to the north east elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a dormer to be added to the south east elevation and alterations to the north east elevation at 1 The Copse, Edgworth, Bolton in accordance with the terms of the application, Ref 10/22/1142, dated 4 December 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three 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, P01, P02, P03, P05A, P06, P07 and P08A. Development shall be carried out in accordance with plan P04A in so far as it corresponds with floorplan P06. The additional new window shown to bedroom 1 in the north east elevation is not permitted.
 - 3) The full height atrium, above the hall, shall be completed and the existing bedroom 2 removed prior to the first use of the access to proposed bedroom 5. No external windows or doors other than those shown on the approved plans (which do not permit the window to bedroom 1 shown on plan P04A) shall be installed within the first floor of the north east elevation at any time.
 - 4) Prior to any works to the roof, an ecological mitigation and enhancement strategy, including a timetable of works, mitigation measures and enhancements, shall be submitted to and approved by the local planning authority. The works and the enhancement measures shall be implemented in strict accordance with the approved strategy.

Main Issue

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

3. Although described as a dormer, the proposal would introduce a large forward facing gable at first floor level to replace the existing cat-slide roof. This would fundamentally change the appearance of the property and its relationship with the surrounding area. Although the existing design shares many similarities with the property on the opposite corner, at the entrance to The Copse, the loss of this cat-slide roof feature would not in itself result in harm to the surrounding area. The proposed alternative modelling of this part of the property would result in a more strident appearance which would be clearly evident when in Chapletown Road and The Copse. However, it would represent an interesting architectural feature that would to some extent, reflect the detailing and materials of elements of the property opposite. It is proposed that it would be finished in dark materials above a light coloured lower render. This would be acceptable and the overall composition would not detract from the character or appearance of this area and would add some interest to it.
4. Works are proposed to the side of the property, particularly with regard to the entrance area. This represents a more modern interpretation of the existing entrance feature including larger glazed panels and materials to match those of the proposed frontage. This area would extend forward rather than being recessed. It would be in keeping with the overall re-modelling of the dwelling and would add interest to the overall design. The rear garage would have the lean-to roof removed and replaced by a flat roof. Given the position of this element, it would not significantly alter the appearance of the dwelling.
5. Overall, the works would update this property. The design and materials, although overtly contemporary, have been carefully considered and would result in a satisfactory composition. The locality includes a mix of property designs and materials. The proposed changes would not result in harm to the character or appearance of this area and would add interest to the street scene. There would therefore be no conflict with the design aspirations of policy CS16 of the Core Strategy 2011 or policy 11 of the Local Plan Part 2 2015 (LP). Policy RES E15 of the supplementary planning document, Residential Design Guide 2012, makes reference to front extensions. As there is no set building line and the proposal would not be detrimental to the wider area, there would be no conflict with its objectives.

Other matters

6. The neighbouring residents have raised concern with regard to loss of privacy as a result of increased overlooking. The existing dwelling currently has a bedroom with windows above the front door area that allows for views towards the neighbouring dwelling and more obliquely into their rear garden. This room would be replaced with a glazed two storey atrium closer to the boundary. Whilst the glazing would be of a greater scale, this revised arrangement would reduce overlooking as it would not serve a habitable room. The neighbouring residents have requested a condition to restrict any re-introduction of a room in this area. The appellant has not objected to this suggestion. Despite the current layout, a room, set nearer to the boundary and with such large windows, would have the potential to result in greater levels of overlooking. It is reasonable therefore that any such changes, which are not part of this proposal, be considered by the council and the neighbouring residents. I have

imposed a condition requiring the introduction of the full atrium prior to the first use of bedroom 5, which would require the appellant to submit an application to revise this permission should their plans change.

7. The floor plans and north east elevation plans differ in that a side facing window is shown in bedroom 1 on the elevation but not the floor plan. This is in addition to the existing rear facing window in that bedroom. The appellant has not confirmed which of these plans is correct. The new large window shown would allow for clear views across the neighbouring rear garden. These views would be more direct than those from the existing bedroom 2 and would result in a greater perception of being overlooked given its position, its size and its more direct relationship with the private areas of the neighbouring garden. This window would not be acceptable as it would result in harm to the living conditions of the neighbouring residents when in their garden. I have imposed conditions setting out that the window is not approved; and to prevent its future introduction without formal consent. On this basis, the proposal would satisfy LP policy 8ii.
8. The council's ecologist has raised concerns with regard to bats and birds but advises that, subject to conditions requiring appropriate mitigation, enhancements and licenses if required, the proposal would be satisfactory. The appellant has not raised concerns with the suggested conditions. I have imposed a condition combining the requirements requiring an ecological mitigation and enhancement strategy to cover all of these matters and to ensure that the proposal satisfies the biodiversity requirements of LP policy 9(1).
9. As all the policies referred to above generally accord with the design, amenity and biodiversity requirements of the *National Planning Policy Framework*, I afford them full weight.

Conclusion

10. In conclusion, the proposal would be of a high standard of design that would not result in harm to the character or appearance of the area. I therefore allow the appeal.
11. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. As the plans set out the materials and colours proposed, a condition in this regard is not necessary. I have made it clear that a window in the north east elevation, to bedroom 1, is not permitted for the avoidance of doubt and to ensure that the amenities of the neighbouring residents are not harmed. I have also sought to allow the council to control whether this could be introduced at a later stage. I have required that the full height atrium above the hall be completed and the former bedroom 2 removed prior to the first use of bedroom 5 for the same reason. I have required that an ecological mitigation and enhancement strategy be submitted and approved by the council, prior to any alterations to the roof, in order to prevent harm to both bats and birds and to enhance biodiversity.

Peter Eggleton
INSPECTOR