



# Appeal Decision

Site visit made on 25 July 2023

**by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 August 2023**

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## **Appeal Ref: APP/N4205/D/23/3320860**

### **87 Hardy Mill Road, Bolton BL2 4EF**

- 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 R Barlow against the decision of Bolton Metropolitan Borough Council.
  - The application Ref 13583/22, dated 13 April 2022, was refused by notice dated 30 January 2023.
  - The development proposed is described as 'proposed rear extension to existing dwelling.'
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The description of development in the banner heading above is taken from the original planning application form. There is no evidence before me that the description on the Council's decision notice was agreed by the Appellant.

### **Main Issue**

3. The main issue of this appeal is the effect of the proposed development upon the character and appearance of the area.

### **Reasons**

4. The appeal site comprises a 2-storey dwelling of 18<sup>th</sup> century origins. It forms a semi-detached property with 85 Hardy Mill Road but differs in appearance, form and height. Residential ribbon development along this section of Hardy Mill Road has occurred organically over time such that there is a mixture of property styles, ages and forms with differing positions relative to the road. This arrangement enables glimpses of the nearby hills which contributes positively to the spacious and pleasant character of the street scene.
5. I am directed to the Council's House Extensions Supplementary Planning Document 2012 (SPD) which advises that extensions should be subordinate to, and of a size and scale, which is in proportion to the existing house. It further states that the height of an extension should not exceed the height of the existing house, so that it does not dominate the host property.
6. The host dwelling comprises 2 gables, one larger and taller, with a lower narrower gable to the east, both of which face towards and present an uncluttered, dual pitched roofscape to Hardy Mill Road. The proposed development would result in the remodelling and extension of the secondary narrower gabled section of the host dwelling, including raising the height of the roof to include a third storey, altering the pitch and introducing 2 dormer windows. The proposed extension would become the highest part of the

dwelling with a larger footprint, such that the secondary gable would become the dominant focus of the dwelling. It would not therefore appear subordinate, or in proportion to the scale of the existing property when viewed from within the street scene. It would fail to create two balanced and symmetrical gable ends given that one would clearly have a higher eaves and ridge height, with a slightly shallower roof pitch and with a different window to solid wall ratio. The scale and height of the proposed extension would not be mitigated by matching materials or its set back position from the road. Whilst I am mindful that it is guidance, nonetheless the proposal would fail to comply with the SPD.

7. Although the Appellant considers that there is no common datum to the street, I observed that despite the variety of dwelling types, building heights gradually ascend to reflect the rising topography along Hardy Mill Road to the east. Substantially increasing the height of the secondary gable would result in it becoming a conspicuous form of development, disrupting the established rhythm and consistency of roof heights in the street scene.
8. Despite being 3-storeys, of a larger scale and positioned closer to the road, the dwellings at Prospect View to the west are sited at a lower land level which mitigates their overall height so that they do not appear taller than the appeal site, in views down Hardy Mill Road.
9. In views uphill from the west, the development would appear taller than the dwellings further upslope, such as those at 95 and 97 Hardy Mill Road. In this regard the ridgeline would not remain in line or correspond with the gradual sloping gradient<sup>1</sup>. Instead, it would result in a jarring form of development, the height of which would be exacerbated and emphasised by the proposed bulky dormer additions. As Hardy Mill CP School opposite the appeal site comprises a largely single storey building, set above the road in spacious grounds, it does not present a comparable context to justify the proposal.
10. For the above reasons, the proposed development would have an adverse impact on the character and appearance of the area. Hence, conflict is found with policies CG3 and OA5 of Bolton's Core Strategy; Development Plan Document 2011, which seek to ensure development has regard to the overall built character and is compatible in terms of scale, massing and form amongst other things, objectives shared with the SPD.

### **Other Matters**

11. It is clear from the submitted drawings that the proposed 3-storey extension and increased ridge height, would extend higher than extensions that are suggested could be achieved under permitted development rights afforded to the dwelling<sup>2</sup>. Consequently, the fallback position would be considerably different and the degree of harm less, than the proposal before me.
12. Reference is made to 2 planning approvals for extensions to dwellings including raising the height of existing roofs<sup>3</sup> that are considered to demonstrate such development can be in line with policy and not incongruous to character. The full details of these planning permissions including the decision notices, officer reports and locations are not before me. Nevertheless, the plan excerpts and street view images provided appear to indicate that neither example relates to a twin gable property within the context of ascending heights of built form, or

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<sup>1</sup> As shown in proposed street scene drawing number P.110.

<sup>2</sup> Proposed elevations with permitted development indicated drawing number P.111.

<sup>3</sup> Planning application 13967/22 and 12450/21

includes such an extensive increase to the ridge height of the original dwelling. Based on the information before me, I do not find the examples comparable.

13. Article 8(1) of the European Convention on Human Rights as enshrined in the Human Rights Act 1998, states that everyone has the right to respect for his private and family life and his home. Where Article 8(1) rights are those of children, as in this case, they must also be seen in the context of Article 3(1) of the United Nations Convention on the Rights of the Child. This requires a child's best interests to be a primary consideration. No other consideration, including the impact on the character and appearance of the area, is more important.
14. The Appellant suggests that the proposed extensions are to support ongoing family needs including that of a child. However, no evidence is before me within either the original planning application or appeal documentation, to explain how the proposed development would address the personal circumstances including any educational, medical or welfare interests of the child. Thus, it has not been demonstrated that there are overriding needs for the proposal in the best interests of a child. Additional living space may be valuable to the Appellant's family, but an alternative scheme may provide this benefit without causing the identified harm.
15. Suggestion is made that the 'tilted balance' in paragraph 11 of the National Planning Policy Framework (the Framework) is engaged, due to a lack of housing supply in the area. However, this is a proposal for the extension of an existing dwelling rather than the creation of a new one. The Framework is clear that the presumption in favour of sustainable development, does not change the statutory status of the development plan as the starting point for decision making. Where a proposal conflicts with an up-to-date development plan, permission should not usually be granted unless material considerations indicate that the plan should not be followed. I have found that the proposal conflicts with development plan policy.
16. Although the appeal property is not of any designated historical or architectural merit, or located within a conservation area, this is a neutral matter weighing neither for, nor against the proposal. I note the letter of support from an interested party. Based on my observations and the evidence before me, I have reached a different view regarding the impact of the development on the character and appearance of the area. Concerns regarding the handling of the application by the Council, are a matter for the main parties.

### **Planning Balance and Conclusion**

17. The proposal would be harmful to the character and appearance of the area, contrary to the development plan. In the absence of any compelling evidence, dismissing the appeal would therefore be a proportionate response to the well-established aims of protecting the character and appearance of an area, and would not interfere with the Appellant's family life and the best interests of the child. Whilst the proposal would generate public benefit from improving a dwelling within the housing stock and be of private benefit to the Appellant through increased living space, the benefits would inevitably be modest. As such, there are no considerations of sufficient weight to indicate a decision should be made, other than in accordance with the development plan. The appeal is dismissed.

*M Clowes*

INSPECTOR