The Planning Inspectorate

Appeal Decision

Site visit made on 8 August 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023.

Appeal Ref: APP/N4205/D/23/3322199
509 St Helens Road, Bolton BL3 3SE

- 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 Yusuf Davda against the decision of Bolton Metropolitan Borough Council.
- The application Ref 14572/22, dated 9 September 2022, was refused by notice dated 24 February 2023.
- The development proposed is for single storey extensions to rear and both sides of house.

Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey extensions to rear and both sides of the house at 509 St Helens Road, Bolton, BL3 3SE, in accordance with the terms of the application, Ref 14572/22, dated 9 September 2022, subject to the following 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: P180201D 01/PL/D8; P180201D 04/PL/D14 and P180201D 05/PL/D17.

   3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The Council's reason for refusal clearly relates to the eastern proposed extension and no concerns are raised with the element of the proposal comprising the extension on the western side of the building. I have no reason to come to a different conclusion on that element of the proposal and have determined the appeal on that basis.

3. The appellant has asked that the original plans, submitted at the application stage, or an "Appeal Alternative", which shows a further revised scheme, be considered as part of the appeal proceedings. However, the Council's decision was based on the revised plans submitted by the appellant prior to the decision. These were P180201D 01/PL/D8; P180201D 04/PL/D14 and P180201D 05/PL/D17. Therefore, I have determined this appeal based on these plans.

4. The main parties have brought to my attention a previous planning application that was approved on 25 July 2018, which included a similar rear extension to

the appeal proposal. The parties accept that this permission has lapsed and is not capable of being implemented. Therefore, the previous permission will have limited weight in my consideration of this appeal, which will be determined on its own merits.

5. In deriving the main issues in this appeal, I have considered the Council's case which is based on the unacceptable impact of the proposal on the outlook and living conditions of neighbouring residents at no. 507 St Helens Road. As well as outlook, in respect of living conditions, the Council's concern relates to the loss of natural light. On this basis, the main issues will reflect this.

Main Issue

6. The main issue raised by this appeal is the effect of the proposed development on the living conditions of the neighbouring occupiers of 507 St Helens Road, with particular regard to outlook, daylight and sunlight.

Reasons

7. No. 507 has a set of patio doors on its rear elevation which serve a habitable room, positioned close to the shared boundary with the appeal property. The proposed extension would be built close to the shared boundary and would project beyond the line of the rear elevation of no. 507. There is also a difference in ground levels between the two properties, with no. 507 being set on a slightly lower level.

8. Policy CG4 of the Bolton Core Strategy (CS) requires new development to be compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety, and security. In order to achieve this, paragraph 4.14 of the 2012 House Extensions Supplementary Planning Document (SPD), sets out that single storey rear extensions up to 4 metres in depth on detached houses will normally be acceptable. However, longer extensions can also be acceptable where they do not cause significant overshadowing of main room windows in neighbouring properties. It also sets out that a good rule of thumb is the "45-degree rule", which seeks extensions that do not infringe a line drawn at 45 degrees from the centre of the nearest main room window.

9. The proposed extension would project more than 4 metres from the rear elevation of the original dwelling, but it would not be the full depth of the extension that would extend beyond the line of the rear of no. 507, due to the juxtaposition of the two properties.

10. Nevertheless, a 45-degree line from the mid-point of the neighbouring patio doors would still be technically breached. However, and whilst there would be the slight difference in levels between the two properties, the appeal scheme would have a limited single storey height on the side nearest to the boundary, also set slightly away from the boundary, and with a shallow roof pitch, that would slope away from the boundary and neighbouring patio door. As such, despite the southerly orientation, there would unlikely be a significant additional loss of sunlight to the rear facing habitable rooms of No 507. Furthermore, and for the same reasons as set out above, the proposed development would not cause a significant reduction in daylight to habitable rooms or have a significantly increased enclosing or overbearing effect.

11. For the above reasons, the proposed development would not cause unacceptable harm to the living conditions of the occupiers of no. 507 St.

Helens Road, in respect of outlook, daylight and sunlight. As such, the proposed development would accord with policy CG4 of the CS and the principles set out in the SPD.

Conditions

12. The Council has suggested three conditions that would be necessary in the event of my allowing the appeal. In addition to the standard time limit condition, I have also, in the interests of certainty, attached a condition specifying the approved plans. A condition to secure that external materials, relating to the proposal, match those of the existing dwelling, would also be necessary in the interests of safeguarding the character and appearance of the area.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed.

N Bromley

INSPECTOR