



Appeal Decision

Site visit made on 13 November 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2023

Appeal Ref: APP/N4205/D/23/3327873

31 Shoreswood, Bolton BL1 7DD

- 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 Lewis Holland against the decision of Bolton Council.
 - The application 16149/23, dated 8 June 2023, was refused by notice dated 27 July 2023.
 - The development proposed is patio and fencing to rear garden.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was made retrospectively and I observed on my site visit that some of the works described have been undertaken. I have determined the appeal on this basis.

Main Issue

3. The main issue in this case is the effect of the patio and fencing on the living conditions of neighbours, with regard outlook and privacy.

Reasons

4. No.31 Shoreswood (No.31) is a two-storey linked detached house, extended at ground floor to the rear with bifold doors to the garden. The Existing Plans (prior to the patio works) submitted with the planning application show four steps to the garden, set at a lower level than the threshold of the bifold doors. From this point, the level of the garden originally fell (in tiers) toward the common rear boundary with No.48 Wilkinson Road (No.48).
5. The proposal is for a further two steps to a raised patio that extends to the rear boundary. Whilst it is proposed to reduce the height of the patio from the level originally constructed (by around 500mm) I observed on my site visit that it would nonetheless sit well above (around 1.3m) the garden level of No.48. The existing fencing abutting the retaining wall would be replaced with a 1.5m plastic fence, with a 1m opaque glazed balustrade proposed at the back edge of the patio on the common boundary.
6. Although the plastic fence may improve the appearance of the retaining wall, the combined height of the patio and balustrade, right on the boundary, would dominate the outlook from No.48 and create an unacceptable sense of

enclosure to the rear garden. The height of the patio would further result in a significant loss of privacy to most of the rear garden of No.48. This would not be mitigated by the proposed opaque glazed balustrade which, at a height of only 1m, could easily be overlooked. Whilst I appreciate it is unlikely to be the intention to overlook a neighbouring dwelling, there would be a perception of overlooking which I find unacceptable.

7. The existing height of the close boarded timber fence on the boundary between No.31 and Nos. 29 and 33 Shoreswood is not shown on the planning application drawings, but I observed on site that they are over 1.8m. There is no existing overlooking between these properties, save from the threshold of the bifold doors of No.31. It is proposed to lower the existing fence by 300mm on the boundary with No.29 to allow sunlight into its lower garden. Although a benefit, this would result in the loss of some privacy to the occupiers of No.29 but not to such an extent to cause harm to their living conditions.
8. I understand from the appellant's evidence that the adjoining neighbours are happy with the proposals and I note that there were no objections from neighbours to the planning application. The absence of objections does not, however, mean an absence of harm. In this case, I find that the raised patio would cause significant harm to the living conditions of the occupiers of No.48 Wilkinson Road, with regard loss of outlook and privacy. I have sympathy with the appellant that the original garden was not suitable or usable for a young family, but this does not outweigh the harm that I have found.
9. Consequently, the proposals would conflict with Policy CG4 of Bolton's Core Strategy Development Plan Document (2011) (CS) because it does not protect the amenity or privacy of surrounding occupiers. I have insufficient information from the Council before me to determine whether, or not, there is any conflict with the *Supplementary Planning Document – House Extensions*, and I do not find CS Policy CG3 relevant in this case.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

R Jones

INSPECTOR