
Appeal Decision

Site visit made on 12 December 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th January 2024

Appeal Ref: APP/N4205/D/23/3327427

27 Delph Brook Way, Egerton, Bolton BL7 9UB

- 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 J Sanders & L Hogg against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 15436/23, dated 3 February 2023, was refused by notice dated 5 May 2023.
 - The development proposed is a two storey extension attached to side of linked-detached, three bedroom, family dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the living conditions of the residents of 2 Woodland Grove with regard to outlook; and the effect on the character and appearance of the area.

Reasons

Neighbouring amenity

3. The proposal would result in a two storey extension to the side of the existing dwelling. It would result in development extending much closer to the rear boundary of 2 Woodland Grove. Although proposed to be two storey in height and matching the ridge of the existing house, because of the considerable fall of the land, the elevation closest to its neighbour would have a significantly greater overall height above the neighbouring ground level. A cross-section showing the levels of the proposal and the neighbouring property together has not been provided. However, it is evident that the side facing gable would tower over the neighbouring garden. It would not be set a significant distance from it and would be a substantial overall relative height. It would unacceptably reduce the outlook from rear garden and also the rear facing windows of the house, particularly the ground floor windows but also, to an extent, those of the first and second floor.
 4. As the proposal would be unacceptably overbearing, it would harm the living conditions of the residents of 2 Woodland Grove with regard to outlook. It would conflict with the requirements of policy CG4(1) of Bolton's Core Strategy
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Development Plan Document 2011 (CS) as it would not be compatible with the surrounding occupiers given the unacceptable harm to their amenities with regard to the overbearing height and proximity of the works and the inevitable loss of outlook that would result. It would also conflict with the National Planning Policy Framework 2023 which seeks a high standard of amenity for existing and future users.

5. Reference has been made to the guidance set out in the council's Supplementary Planning Document - House Extensions 2012 (SPD). This sets out interface distances but advises that the distances should not be read as a minimum standard, but simply as advice on what would represent ideal layout design. It advises that the figures should be taken into account along with a list of other factors which includes differences in levels. It advises that there should be 13.5m between a neighbouring elevation which contains a main room window and a facing wall of a two storey extension which does not. With regard to changes in ground level, it advises that where a development is on a higher level the impact may be greater than if the site were flat. This may mean that in some cases the council will ask for more separation than indicated.
6. Exact measurements have not been shown on a plan nor have floor plans of the neighbouring house been provided to show what rooms particular windows serve. The appellants suggest that the nearest main window may be 15.8m away whilst the council suggest it would be 12.8m. The guidance is clear that the distances suggested relate to conventional housing layouts, where houses are likely to relate to each other in reasonably standard fashion. This is not the case and the changes in ground levels are so severe that a considerably greater distance is likely to be necessary. Furthermore, the SPD does not take account of the relationship with the rear garden. In any event, I do not find any support for this proposal from the SPG in terms of the impact on amenity.
7. It has been suggested that the roof form of the extension could be amended in order to reduce its impact. I am not aware that any such plans have been produced and in any event, I must consider the proposal before me.

Character and appearance

8. The council have raised concerns with regard to the changes that would result to the character and appearance of the area. These concerns relate to the appearance of the proposal and the potential impact on a protected tree to the rear.
9. This is a relatively modern dwelling with limited architectural interest. Whilst the proposal would significantly increase its scale, it would result in a continuation of its existing design and form. This approach is at odds with the advice within the SPD which advises that a well designed extension should be subordinate in relation to the dwelling. However, in these particular circumstances, this design approach would not be at odds with the general character of the area and would not detract from the appearance of this particular house. In seeking to maintain the internal floor heights, despite the significant changes in levels, the side elevation would be of a greater scale and would be relatively prominent. However, as these houses step up the hill and their exposed side gables are a feature of the area, I am not satisfied that this arrangement would be harmful.

10. The protected tree lies just beyond the rear garden of this property and is an important local feature. No arboricultural assessment has been undertaken and no detailed plans of the canopy or likely root spread of this tree have been provided. Given the nature of my visit, I was not able to enter the garden of the appeal property to check the full extent of the tree or its location in relation to the proposal. It would appear that some of its branches would extend above part of the extension but this would need to be confirmed. It has also been suggested that other development has already taken place within the adjoining property, in relatively close proximity to it. This must also be taken into account as this may increase the reliance of the tree on the appeal site.
11. It is essential that the impact of the proposal on the future health of this tree is fully considered. This would include a consideration of whether the proposal would impact its root system or result in greater demands from residents to reduce its canopy to improve amenity. Without further information and access to the site, I am unable to reach a firm conclusion as to whether the proposal would impact on the health and longevity of this protected tree. As any harm to the tree would result in harm to the character and appearance of the area, I am unable to conclude on this issue.

Conclusions

12. I am unable to conclude on the issue of the effect of the proposal on the character and appearance of the area. However, the proposal would result in unacceptable harm to the living conditions of the residents of 2 Woodland Grove with regard to loss of outlook. I have had regard to the benefits of the proposal to the appellants and the wider economy. I have also taken into account all the submissions made. However, I conclude that the matters in favour of the proposal are not sufficient to outweigh my concern with regard to the harm to the living conditions of the neighbouring residents. The provision of more information to demonstrate that the protected tree would not be harmed would not therefore change my decision. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR