



Appeal Decision

Site visit made on 5 January 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31.01.2024

Appeal Ref: APP/N4205/D/23/3330540

40 Windermere Street, Bolton BL1 8LS

- 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 Imran Yakub Chhadat against the decision of Bolton Council.
 - The application 14963/22, dated 7 November 2022, was refused by notice dated 13 April 2023.
 - The development proposed is first floor rear extension (4000mm) above existing single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed extension on the living conditions of the neighbours at No.42 Windermere Street.

Reasons

3. No.40 Windermere Street (No.40) is a two-storey mid-terrace dwelling located on the east side of Windermere Street. To the rear, it has an existing single-storey outrigger and it is proposed to extend over this at first floor, projecting around 4m from the original rear elevation of the dwelling.
4. The guidance in the Council's *House Extension Supplementary Planning Document* (2012) (SPD) is that extensions should not have an overbearing or overly dominant effect on adjoining dwellings. This can be achieved by maintaining appropriate distances between main room windows and elevations in neighbouring properties, and avoiding excessive loss of natural light.
5. The neighbouring dwelling at No.42 Windermere Street (No.42) has been extended over two-storeys at the rear, with the only window to a bedroom on its south elevation directly facing No.40. The proposed first floor extension to No.40 would be over 5m in height (to eaves) and only 1.4m away from this window. Further guidance in the SPD is that applications to extend terraced properties need to be considered more sympathetically because they are more restricted in terms of space available to meet the needs of occupants, particularly those with larger families. I have given this careful consideration but, in this case, the very minimal separation distance and orientation of the extension (due south) means that there would be a loss of outlook and natural

light to the bedroom, such that very significant harm would be caused to the living conditions of the neighbours at No.42.

6. In my consideration I have had regard to the appellant's personal circumstances in this case and I recognise the benefits that would arise from the proposal in terms of providing an additional bedroom. I also appreciate the efforts that have been made by the appellant to seek to find a solution with his neighbour. Whilst I have sympathy with the appellant, these are not sufficient reason to allow a development that would cause such significant harm as I have identified. Further, whilst I observed on my site visit that other properties on Windermere Street have been extended over two-storeys to the rear, none have a relationship with their neighbour comparable to the one I have described above. Unfortunately, therefore, they do not offer particular support to the proposals now before me.
7. On the main issue, the proposed first floor extension would cause significant harm to the living conditions of the neighbours at No.42, through loss of outlook and natural light. Consequently, it would conflict with the guidance in the SPD and Policy CG4 of Bolton's Core Strategy Development Plan Document (2011) which requires development to be compatible with surrounding occupiers, protecting amenity.

Conclusion

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

R Jones

INSPECTOR