



Appeal Decision

Site visit made on 22 April 2024

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2024

Appeal Ref: APP/N4205/D/24/3334812

9 Torra Barn Close, Egerton, Bolton, BL7 9XE

- 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 and Mrs Grimshaw against the decision of Bolton Council.
 - The application Ref 16673/23, dated 11 August 2023, was refused by notice dated 12 October 2023.
 - The development proposed is described as 'an area of raised decking located to the rear of the detached garage in the rear garden curtilage of a private dwelling including removal of a wooden shed structure'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of shed and installation of raised decking at 9 Torra Barn Close, Egerton, Bolton, BL7 9XE in accordance with the terms of the application, Ref 16673/23, dated 11 August 2023.

Preliminary matter

2. The Council's decision refers to the proposal as 'retrospective application for the demolition of shed and installation of raised decking to rear'. I have noted that the proposal has already been constructed and as this describes the proposal in more detail I have considered it on that basis and used some of that wording in the formal decision above.

Reasons

3. The main issue in this appeal is the effect of the proposed development on the living conditions with regard to privacy of the neighbouring occupiers at 8 and 10 Whittle Hill and 301 Cox Green Road. The appeal site lies towards the top of a residential estate that is built on a steep south-west facing slope that has distant views to the moors beyond. Like many of the properties, the appeal site has a rear garden on different levels and here the land at the end of the garden is at a significantly lower level. As a result of the slope, many of the properties experience some degree of overlooking from other properties.
4. The proposed decking has already been built on land that was previously rubble and landfill adjacent to the rear of a single semi-detached garage at the end of the rear garden of this semi-detached house. A dilapidated timber shed that was previously attached to the garage has been demolished. It comprises an area of between 2.3m and 6.8m in length and a width of 3.7m, extending between the garage and the rear boundary and is raised to a height of 2m maximum above ground level with a 0.9m high glass balustrade.

5. The decking adjoins the rear boundaries of three other dwellings to the rear of the appeal site. At my visit I viewed the site from each of those as well as from the site itself. The dwelling at 301 Cox Green Road is sited at a higher level than the appeal site. Its rear garden has three levels and whilst the lower level is sited below the level of the proposed decking, its principal sitting out area is sited at a higher level adjacent to the house. From that sitting out area, the decking can be seen but at some distance and the garden is already overlooked by a number of ground floor and first floor rear windows in dwellings on Torra Barn Close. I find then that the privacy of the occupiers of that property is not unduly harmed by any overlooking from the decking.
6. 8 Whittle Hill is sited on land that is significantly lower than the appeal site and already experiences some overlooking from the first floor rear windows of no 7 Torra Barn Close that adjoins the appeal dwelling. It is a detached bungalow sited on a large plot that has a good sized area of garden to the northern side of the property and a paved area for sitting out adjacent to that side elevation in which there is a habitable room window that faces towards the decking. From there, the decking can be seen but again this is at some distance and given the presence of mature trees and shrubs within this garden it would not result in a significant amount of additional overlooking. This would be less so during summer months when the planting would be in leaf and the occupiers would be most likely to be sitting outside. Therefore the privacy of those occupiers is not unduly harmed by any overlooking from the decking either.
7. 10 Whittle Hill is also a detached bungalow sited at a significantly lower level than the appeal site and has a good sized area of garden to the rear with a number of windows serving a kitchen, bedroom and conservatory together with a deck and paved sitting out area from which the proposed decking can be partially seen. However, the occupier at this property has erected a very high fence that provides some screening. When looking from the appeal site I noted that it was possible to see the kitchen and bedroom windows and the lawned area of the garden from the decking. However, that was only possible from an oblique angle rather than a direct view and those windows and the lawn are already overlooked by the rear first floor windows of dwellings on Cox Green Road. I was not able to clearly see the conservatory, deck or sitting out area from there. Consequently, any overlooking would not significantly worsen the privacy of the existing occupier of that bungalow either.
8. For these reasons, I conclude then that the privacy and living conditions of the neighbouring occupiers at 8 and 10 Whittle Hill and 301 Cox Green Road are not significantly harmed by this development and it accords with development plan policy CG4 in Bolton's Core Strategy Development Plan Document which seeks to protect the privacy of surrounding occupiers.

Conclusion

9. For the reasons given above, I conclude that proposal accords with the development plan and there are no material considerations that would outweigh that. No conditions are necessary as the proposal has already been constructed to an acceptable design. The appeal should be allowed.

Sarah Colebourne

Inspector