



Appeal Decision

Site visit made on 23 April 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 31.05.2024

Appeal Ref: APP/N4205/W/23/3334473

71 Rawson Road, Bolton BL1 4JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Amir Sofich against the decision of Bolton Metropolitan Borough Council.
 - The application Ref is 17090/23.
 - The development proposed is conversion of house to 6 bedroom HMO with two storey rear extension, existing hipped roof to be extended to form side elevation gable wall and dormer extension to rear roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023, which is after the appeal was made. While it is a material consideration in the determination of the appeal, the revisions are not directly relevant to the main issues. It was published however before the Council's statement of case was submitted. As the parties have therefore been provided with the opportunity to comment on it through the appeal process, the interests of neither party would be prejudiced by the changes.
3. On 21 March 2024, the Council adopted The Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039 (the PfE). Policy CG3 of Bolton's Core Strategy Development Plan Document Adopted March 2011 (the CS), cited in the reasons for refusal, has been superseded by PfE Policy JP-P1. However, CS Policies RA1 and CG4 have not been superseded and they remain relevant to my determination of the appeal. The main parties are aware of the PfE and have been provided with the opportunity to comment on the implications of it to their cases through the appeal process. Therefore, the interests of the parties would not be prejudiced by my determination of the appeal on this basis.

Main Issues

4. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area; and
 - ii) Whether the proposal would provide an adequate standard of living conditions for future occupiers.

Reasons

Character and appearance

5. No 71 is a 2 storey end of terrace property. It is in an area characterised by rows of terraced properties laid out on a traditional grid-iron pattern. Properties are predominantly finished in brick, with stone and brick detailing to front elevations, and slate roofs. The mid terrace properties are set back from the footway with small frontages enclosed by low brick walls with railings. End of terrace properties including No 71 have front gable elevations that break forward from the prevailing building line. To the rear, properties finish on a consistent building line and the end terrace properties have simple hipped roofs resulting in a continuous roof slope to the terrace. Rear yard or garden areas are enclosed by tall brick walls. The uniform design and layout of the terraces results in a coherent townscape with a strong sense of place.
6. The proposed 2-storey rear extension would have a pitched roof with a gable end. Its eaves would be the same height as those of the existing dwelling and its ridge would be set down slightly below the ridge line of its host. The roof of the existing building would also be altered through a hip-to-gable extension and a rear dormer extension. There would be a number of new window openings in the side elevation including at second floor height to serve the habitable room in the roof dormer.
7. The dormer would be set in from the roof edge of the adjoining property, but it would be set only slightly below the ridgeline of its host and it would finish flush with the exposed side elevation. Irrespective that the dormer might occupy only 63% of the rear roof slope, it would be an overly large feature that would dominate the roof of its host. Including by virtue of the side-facing dormer window and the lack of set in from the side elevation, the roof extensions would create an imposing 3-storey side elevation that would be out of scale and keeping with the prevailing modest terraced and end of terrace properties in the area. Furthermore, the hip-to-gable extension and dormer extension would disrupt the simple pitched rear roofscape of the terrace and which is characteristic of the surrounding townscape.
8. The appeal property is prominently sited adjacent to a large area of public open space such that the proposal would be readily visible from locations in the surrounding area. Notwithstanding that the Council considers that the design of the 2-storey rear extension would be acceptable, it would be a bulky feature that would contribute to the dominance of the proposal in the street scene. The proposal would be visually obtrusive and discordant, poorly related to the appeal property terrace and it would disrupt the harmonious townscape. It would diminish the strong sense of place of the area and it would not contribute positively to local distinctiveness.
9. My attention has been drawn to 42 Victoria Grove, which is the diagonally opposing end of the terrace that backs onto Rawson Road. No 42 was apparently constructed relatively recently but it nevertheless comprises a larger end of terrace dwelling with a front gable end in keeping with its surroundings. The 2-storey rear outrigger to No 42 has eaves to match its host, but it has a low pitched roof such that it does not appear directly comparable to the proposal in terms of its height or bulk. The side gable to No 42 does result in a large expanse of predominantly blank wall. However, the rear dormer is set in from the roof edges and its side elevation matches the roof so that it

does not extend the brick side elevation of its host. Moreover, there are no second floor windows in the side elevation of No 42 or its rear dormer to create an overtly 3-storey side elevation.

10. The rear of No 42 undoubtedly differs from the end of terrace properties that characterise the area. However, the side elevation of No 42 faces the back of Oxford Grove and there are only limited or long views of the rear outrigger and dormer. In contrast to the appeal property, the rear of No 42 is not prominent in the townscape. While there are similarities, No 42 is not directly comparable to the appeal proposal including in terms of its size, design and visual impact. Therefore, it does not provide a justification for the proposal.
11. I understand that the proposed dormer has been designed as an extension to the elevations of its host in order that it would have cavity walls. However, there is little evidence that a true dormer could not be adequately insulated to be energy efficient. The appellant states that if he had been aware of the concerns of the Council in this regard, it would have been a simple matter to amend the plans. Setting aside that the Council's guidance in relation to dormer extensions seems reasonably clear, no amended plans have been provided with the appeal to demonstrate that a different form of dormer extension would mitigate the visual harm that I have found.
12. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with CS Policy RA1 and PfE Policy JP-P1. These require, among other things, that proposals respect and enhance the character and identity of the locality, including the traditional grid-iron pattern and streetscaping. It would also conflict with the guidance in the House Extensions Supplementary Planning Document Adopted August 2012 including in relation to roof extensions and the need for dormers to be subordinate rather than upward extensions of the elevations of the property.

Living conditions

13. The existing 3-bed property would be converted into a 6-bed house in multiple occupation (HMO) over 3 floors. Each of the en suite bedrooms would exceed the floorspace requirements of the Council's HMO Guidance and Amenity Standards 2018 for a property with up to 6 occupants.
14. The Council's standards also set out a minimum of 11.5sqm for shared kitchens and require adequate standards of amenity in terms of facilities for food storage, preparation and cooking, and waste disposal. In this case, while the dining/kitchen room would be roughly 15.3sqm, the plans do not illustrate how facilities to serve 6 persons would be accommodated. Nevertheless, taking into account the size of the kitchen room and the flexibility in the guidance, there is little compelling evidence that the proposal would fail to provide adequate standards of amenity in this regard. I am also mindful that the adequacy of the facilities would in any case be assessed under the HMO licencing regime.
15. The outdoor amenity space to the rear of the property would be below the size considered adequate to meet the communal needs of 6 persons. However, the appeal property lies adjacent to Shepherd Cross Street Playing Fields such that future occupants would have ready access to open green space. Consequently, the shortfall in outdoor space provision would be acceptable in this case.

16. Therefore, in the absence of substantive evidence to the contrary, I conclude that the proposal would provide an adequate standard of amenity for future occupants. As such, it would accord with the relevant aims of CS Policy CG4.

Other Considerations

17. The Council acknowledges that the proposed HMO would be a form of lower cost housing that would make a small contribution to the mix of housing types and the number of households. Consequently, it would contribute to the Government's objective of significantly boosting the supply of housing. Nevertheless, taking into account that the proposal would result in the loss of a family dwelling, this carries limited weight in favour of the scheme.
18. The proposal would not result in overlooking or loss of privacy to neighbouring residential occupiers. There would be adequate provision for the storage of waste and recycling. There would be no parking provision, but the property is in an accessible location and the proposal would not be expected to significantly increase on-street parking demand or harm highway safety. Measures for the management of the building to minimise crime and anti-social behaviour could be addressed by the imposition of planning conditions. Compliance with policy in these regards carries neutral weight.
19. The proposal is a resubmission of a planning application (Ref: 16352/23) refused in August 2023 on grounds relating to visual amenity, impacts on neighbouring occupiers and details of bin storage and facilities. While the appeal scheme overcomes some of these concerns, the amendments do not weigh in favour of the scheme.
20. The appellant raises concerns in relation to the lack of communication from the Council during the processing of the application. He considers that matters in dispute are minor and they could have been satisfactorily resolved if he had been made aware of the Council's concerns prior to the refusal of the application. While that may be so, concerns in relation to the Council's handling of the application do not weigh in favour of the scheme and no further information nor amended scheme has been provided with the appeal.

Conclusion

21. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no other considerations that would outweigh that conflict.
22. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR