



Appeal Decision

Site visit made on 11 June 2024

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2024

Appeal Ref: APP/N4205/W/24/3337555

27 Barnfield Close, Egerton, Bolton, BL7 9UP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Neil Pike Architects against the decision of Bolton Metropolitan Borough Council.
 - The application Ref is 16347/23.
 - The application sought planning permission for a dwelling on land adjacent to 27 Barnfield Close without complying with a condition attached to planning permission Ref 12015/21 dated 21 August 2021.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans : Location Plan ;EX K959/01;PL K959/01; Untitled Plans and Elevations.
 - The reason given for the condition is: In the interests of certainty.
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Decision

1. The appeal is allowed, and planning permission is granted for a dwelling on land adjacent to 27 Barnfield Close, Egerton, Bolton BL7 9UP in accordance with the application Ref 16347/23, without compliance with condition number 2 previously imposed on planning permission Ref 12015/21 dated 21 August 2021 and subject to the conditions set out in the attached schedule.

Preliminary matters

2. The appellant in his statement of case refers to a first-floor extension to an approved ground floor entrance porch. The Council has advised that there is no porch on the extant permission. For the purposes of my decision, I have therefore considered the proposal to include a two-storey front gable extension.

Main Issue

3. The main issue raised in this case is the effect of the proposal on the character and appearance of the dwelling and surrounding area.

Reasons

4. The application is made under Section 73 of the Town and Country Planning Act 1990 (the Act) for the variation of a condition (approved plans) imposed on planning permission reference 12015/21 for a dwelling on land adjacent to No.27 Barnfield Close, Egerton. Planning permission was granted by an appeal decision dated 26 July 2022.

5. Barnfield Close forms a steeply inclined cul de sac of semi-detached two storey homes. No. 27 lies at the end of the road immediately south of Cox Green Road. The properties in Cox Green Road are mainly semi-detached bungalows though there are some stone cottages. Some of the bungalows have front and/or rear dormers.
6. The proposed amendments include a two storey front gable extension, a single storey side extension and rear dormer with minor changes to the parking layout. I noted on my site visit that the proposal had commenced with construction up to approximately first floor level.
7. The proposed two storey element would project approximately 1.9 metres from the front elevation with a dual pitched roof set down from the ridge of the main roof by about 1.2 metres. The proposal would be of an appropriate scale in relation to the dwelling and as it would be set down from the main ridge would appear subordinate. A canopy roof is proposed over the front entrance providing some visual interest. The proposal would be in proportion to the dwelling and would not appear overly dominant.
8. In terms of the wider streetscene, I note that existing dwellings on Barnfield Close are staggered with some sited closer to the road than others. Many have front extensions, albeit single storey additions. In this context whilst the proposal would project forward of the main front elevation of the dwelling and also forward of No.27 itself, this would not appear out of place or incongruous, given the lack of a strongly defined building line. The fact that this property lies at the end of the cul de sac also diminishes its impact in the streetscene.
9. Whilst I acknowledge that there are no two storey front extensions in the immediate vicinity of the appeal site, the appellant has however provided examples elsewhere in the wider residential area. Taking account of the siting of the dwelling behind the retaining wall forming the southern boundary of the site, together with the extent of forward projection and the siting of existing dwellings in the Close, I do not consider it would appear incongruous or overly dominant in the street scene.
10. I note concerns raised about the loss of the open aspect and views to the adjoining countryside at the end of Barnfield Close. Given the retained gap between the appeal proposal and the residential property on the opposite side of the cul de sac, I do not consider that the proposed dwelling would significantly affect these views.
11. The Council's reason for refusal states that the proposal would form an overdevelopment of the site. The existing properties in Barnfield Close generally have reasonable size plots. However, there is some variety with some having smaller gardens. The front extension and single storey side extension add to the footprint of the property. Having regard to other properties in the vicinity, the garden area of the dwelling is not unacceptably reduced. Overall, I conclude that the proposal does not constitute overdevelopment.
12. Turning to the proposed single storey side extension, this would have a flat roof, extend approximately 2.4 metres from the side of the dwelling, be approximately 3.6 metres in length and 2.9 metres in height. It would form a subordinate addition to the dwelling. Set back from the front elevation, it would not be visible from Barnfield Close, being screened by the body of the dwelling

itself. From Cox Green Road to the north, it would appear as a secondary addition having limited impact in terms of visual amenity.

13. The side extension is proposed to have a blank eastern elevation which would face the front garden and parking area to the property. Whilst it would be visible from Cox Green Road, it would be viewed behind the boundary stone wall and would in my view cause no unacceptable harm to the character or appearance of the area.
14. The rear dormer would occupy approximately two thirds of the rear roof plane which would be in line with the Council's guidance on house extensions. Whilst it would be visible from Cox Green Road, having regard to the other dormers in the area it would not in my view appear as an incongruous addition.
15. I note that the single storey extension and the rear dormer would be allowable under permitted development. Permitted development rights have not been removed by condition imposed on the extant planning permission. This therefore represents a fallback position for these elements of the scheme, albeit these rights do not come into effect until the property is built and completed. This forms a material consideration in this case.
16. The minor changes to the car parking area allow the provision of soft landscaping at the front of the property. This would be beneficial to the character and appearance of the dwelling and the surrounding area. A local resident has raised concern about a potential safety issue with cars from the occupants of No. 27 parked close to the southern boundary wall. This had already been put in place at the time of my visit. I have no evidence before me, including my observations at the time of my site visit, that there would be a safety issue in this case.
17. I have carefully considered the objections put forward by interested parties. However, they do not change my overall view as set out above.
18. In conclusion, I consider that the proposed amendments to the design of the dwelling, would cause no harm to its character or appearance or that of the surrounding area. The proposal would comply with Policies CG3 and OA5 of Bolton's Core Strategy, which expects development proposals to contribute to good urban design, having regard to the overall built character and landscape of an area.

Conditions

19. The Council have suggested several conditions should the appeal be allowed. I have considered these in light of the Framework and Planning Practice Guidance (PPG).
20. As the proposal has commenced, a time condition is not necessary. I impose a condition specifying the approved plans in the interest of certainty. To safeguard the character and appearance of the area, conditions are necessary to require the development to be constructed in the materials shown on the approved plans, and in line with the submitted ground and finished floor levels.
21. Conditions are also required to ensure that adequate cycle storage is provided and that a scheme for the storage of refuse and waste is implemented. I also impose conditions requiring the development be carried out in accordance with the approved site investigation report, that a verification report is provided,

and no soils are brought on to site without being tested for contamination to protect the amenity of future occupiers.

22. In the interest of highway safety, a condition is required to ensure the vehicular access and parking is provided before the first occupation of the dwelling. To safeguard and enhance biodiversity a condition is required for a scheme of biodiversity enhancement to be submitted and approved by the Council. I impose a condition restricting the hours of working to protect the living conditions of nearby residents and minimise the impact of deliveries on the local road network.
23. A condition removing permitted development rights is also necessary to prevent over development of the plot.

Conclusion

24. For the reasons given above, and having had regard to all other matters raised, I allow this appeal.

Helen Hockenhull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in complete accordance with the following approved plans:
Proposed Site Plan - Drawing No. S73 K959/01 Rev D
Proposed Elevations - Drawing. No. S73 K959/03 Rev E
Proposed Floor Plans - Drawing. No. S73 K959/02 Rev D
- 2) The development hereby permitted shall be constructed entirely of the materials details shown on plan ref:
Proposed Elevations - Drawing. No. S73 K959/03 Rev E.
- 3) The ground levels, cross sections and finished floor levels of the dwelling shall be built in accordance with the spot heights on the following approved drawing :
Proposed Elevations - Drawing. No. S73 K959/03 Rev E
The approved details shall be implemented in full and retained thereafter.
- 4) The dwelling hereby permitted shall not be occupied until details of cycle storage are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) Before the development is first brought into use a detailed scheme shall be submitted to and approved by the Local Planning Authority showing the design, location and size of a facility to store refuse and waste materials. The approved scheme shall be implemented in full within 21 days of the Local Planning Authority approving the scheme in writing and retained thereafter.
- 6) The development shall be carried out fully in accordance with the following approved Site Investigation:
Land North 27 Barnfield Close Egerton, Bolton, dated September 2020 (ref: A200905-R01 by Adeptus Consulting).
Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation.
During the period of construction, should any unforeseen contamination be found on site. that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate remediation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed remediation measures.
- 7) The dwelling hereby permitted shall not be occupied until a Verification Report is submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that no unforeseen contamination was found and that all remedial works undertaken on site were completed in accordance with those agreed by the Local Planning

Authority. The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided. Occupation of the dwelling hereby approved shall not commence until this time.

- 8) No soil or soil forming materials shall be brought to the site until a testing methodology including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information has been submitted to and approved in writing by the Local Planning Authority. The approved testing methodology shall be implemented in full during the importation of soil or soil forming material. Prior to the development being first occupied a verification report including soil descriptions, laboratory certificates and photographs shall be submitted to and approved in writing by the Local Planning Authority.
- 9) The dwelling hereby permitted shall not be occupied until the vehicular access and parking facilities are provided in accordance with the approved plans. Such facilities shall be retained thereafter for those purposes.
- 10) Before first occupation of the dwelling hereby approved a scheme of appropriate biodiversity enhancements including the type and location of enhancement shall be agreed in writing with the LPA. The approved scheme shall be implemented in full and retained and maintained thereafter.
- 11) No demolition or construction work (including deliveries to and from the site) shall take place outside the hours of 0800 and 1800 Monday to Fridays and 0800 and 1300 on Saturdays and no times on Sundays or Bank Holidays.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order shall be undertaken.