



Appeal Decision

Site visit made on 13 August 2024

by D J Barnes MBA BSC(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/N4205/D/24/3346149

37 Alberta Street, Bolton BL3 5JD

- 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 Kantilal Lalji against the decision of Bolton Council.
 - The application Ref is 18100/24.
 - The development proposed is the erection of a part single part two storey extension at rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties.

Reasons

3. The proposed development includes a part single and part 2-storey extension to the rear of a 2-storey mid terrace dwelling. A proposed flank wall would be sited adjacent to the shared boundary with 39 Alberta Street. The other side elevation would be set back from the shared boundary with No. 35 by around 1 metre. The current boundaries are defined by brick walls of about 1.6 metres in height.
4. Within the surrounding area there are examples of similar forms of development but their detailed planning circumstances have not been provided, including any assessment of their effects on the occupiers of neighbouring properties. For this reason, these other schemes have been given limited weight in the determination of this appeal and the proposed development has been assessed based upon its own planning circumstances.
5. The council's *House Extensions Supplementary Planning Document* (SPD) recognises that accommodation within terraced dwellings may not contain suitable accommodation to meet current living standards. Accordingly, the SPD references rear single or 2-storey extensions of up to 4 metres in length normally being considered to be acceptable. Single storey extensions longer than 4 metres may be acceptable if the space remaining at the end of the yard would be unusable or if the impact on the neighbour would be limited by screening. In the case of the appeal scheme, the first floor element of the

- proposed extension would be about 4 metres in length but the ground floor would project more than 5.6 metres along the shared boundary with No. 39.
6. Within the rear elevation of No. 39, the closest openings to the shared boundary with the appeal property are a first floor bedroom window and a kitchen window. However, as with the appeal property, the kitchen is of sufficient size to also accommodate an area for dining. Bedrooms and dining kitchen rooms are identified as habitable rooms in the SPD.
 7. By reason of siting, depth and height, the proposed extension would adversely affect the outlook from these windows within the rear elevation of No. 39 and from the modest sized rear amenity space. The appeal scheme would also reduce levels of sunlight reaching these habitable rooms and the amenity space, particularly during the morning. The living conditions of the occupiers of No. 39 would be unacceptably harmed by the appeal scheme.
 8. As part of the proposed development, the single storey addition to the rear of the property would be demolished. However, a similar addition would remain to the rear of No. 35. By reason of this retained addition, the openings to the kitchen of No. 35 are sited further away from the shared boundary than those at No. 39. Further, the closest first floor window to the shared boundary serves the bathroom of No. 35.
 9. Although the flank wall of the proposed extension would not be sited adjacent to the shared boundary with No. 39, the appeal would still have an affect on the outlook for the occupiers of this neighbouring property from the windows of their habitable rooms. In the afternoons there would also be reduced levels of sunlight reaching their rear amenity space. However, The degree of harm caused to the living conditions of the occupiers of No. 35 would not be sufficient for this appeal to fail but it does add to the unacceptable harm already identified.
 10. The assessment undertaken considers the existing boundary walls but they are of a lower height than the side elevations of the proposed extension. Although the lack of objection from the occupiers of the neighbouring properties has been noted, others may well occupy these properties in the future and their living conditions also need to be considered.
 11. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would also conflict with Policy CG4 of Bolton's Core Strategy Development Plan Document and the guidance contained in the SPD. Amongst other matters, this policy requires new development to be compatible with surrounding land uses and occupiers, including protecting amenity. CS Policy RA1 is a generic policy which does not specifically address matters related to living conditions. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR