



Appeal Decision

Site visit made on 31 January 2025

by **Sarah Colebourne MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th February 2025

Appeal Ref: APP/N4205/D/24/3350870

2 Gleaves Avenue, Bolton, BL2 4ET

- 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 Steve Rogers against the decision of Bolton Council
 - The application Ref is 18360/24.
 - The development proposed is the demolition of existing conservatory together with the erection of a single storey side and rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the neighbouring occupiers at nos 46 and 48 Bramhall Avenue in regard to outlook.

Reasons

3. 2 Gleaves Avenue is a semi-detached house located within a residential area that lies on sloping land. It is the first dwelling on the western side of the road when entering the road from Bramhall Avenue and has a side elevation which faces Bramhall Avenue.
4. The proposed development would comprise a 'wraparound' extension which would extend across the whole of the rear and side elevations, replacing a rear conservatory and a small side extension. It would have a shallow pitched roof with a height of 4.2m at its ridge and a gable end across the side elevation.
5. The side elevation of the extension would be in close proximity to the rear of dwellings at 46 and 48 Bramhall Avenue, a pair of semi-detached bungalows that have very small rear gardens and sit on significantly lower ground than the appeal site. Although the Council has said that the difference is around 1m, I noted during my visit that at no 46 it is greater. The plans show that the side elevation would be some 9m from the nearest rear windows and 13m or so from other windows in those dwellings.
6. At my visit, I assessed the proposal carefully from both properties. Although the existing garage and shed at no 48 would provide sufficient screening of the development when seen from its rear windows, it would be more clearly seen from the rear windows and garden of no 46 which sits at an even lower ground level. From there, the proposal would be seen in at least half of the outlook from those

windows. Given the significant difference in ground levels and despite the 2.35m high boundary fence, it would be significantly and unduly overbearing due to its close proximity and its length and height. Although the existing conservatory at the appeal site can be seen from there, its glazed construction means that it is less dominant than the proposed brick and tile extension would be and it is also further away and therefore less imposing. The proximity and extent of the gable end would result in a poor outlook for the occupier/s of no 46 and significant harm to their living conditions.

7. Whilst the Council's House Extensions SPD requires at least 9m between habitable room windows and an extension that has no such windows, it also says that the requirement may be increased by 3m (for each additional storey or equivalent change in ground level) where there are changes in ground level. That is the case here and the proposal does not therefore meet the guidance of the SPD.
8. Although there have been no objections from the neighbouring occupiers, the Council's policy seeks to protect both existing and future occupiers from harmful developments.
9. The proposal could not be built as permitted development because it exceeds the maximum height criterion of 4m and extends beyond the 3m maximum from the rear wall. The impact of a smaller, permitted development extension would be less than proposed here.
10. I conclude then that the development, by reason of its siting, size and scale, would cause significant harm to the outlook and living conditions of the occupier/s of no 46 Bramhall Avenue. It is, therefore, contrary to development plan policy CG4 of Bolton's Core Strategy (CS, 2011) which seeks to ensure that new development protects the amenity of surrounding occupiers.

Conclusion

11. For the reasons given above, I conclude that the proposal is contrary to the development plan and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

INSPECTOR