



Appeal Decision

Site visit made on 21 February, 2025

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 7th March 2025

Appeal Ref: APP/N4205/W/24/3353404

1-11 Bark Street East, Bolton BL1 2BQ

- 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 F Iqbal against the decision of Bolton Council.
 - The application Ref is: 16934/23.
 - The application is for variation of wording on condition 5 (materials) on application 05812/19.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the variation in condition upon the character and appearance of the St George's Conservation Area and the setting of Listed Buildings.

Procedural Matter

3. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published on 12 December 2024 (updated 7 February 2025) whose main focus was not directly relevant to this appeal. Nevertheless, I have determined this appeal in accordance with the revised provisions within the Framework.

Reasons

4. The appeal property is a three storey block of modern flats that, under planning reference 05812/19, replaced a low rise industrial type building that previously occupied the site. The building is of red/orange brick and is of a traditional form of design complimentary to the overriding Georgian and Victorian character of its surroundings. The fenestration appear to be particularly relevant to this character being vertical and of generous proportions as would be typical and traditional of such a setting.
5. With regards these windows, the original planning permission included a condition (condition no 5) that specifically required the materials to be used to be agreed prior to commencement of works above ground. This specially requested, in bullet point four, that hardwood framed painted sliding sash windows would be required for the northern elevation with windows to be set within reveals to match other buildings opposite the site. The condition also

- requested 1:5 scale details in order to confirm the execution of such intervention. The condition did however permit mock sliding sash timber windows to be used to the southern (rear) elevation of the building.
6. For whatever reason it appears that mock sash windows were installed upon the northern elevation which is the principal elevation of the building. As such the subsequent application to alter the above condition was rejected by the council due to both a lack of detail as previously requested and the poor execution of the end product.
 7. The appeal site is located within the St George's Conservation Area (CA). The CA is significant due to its survival of Georgian and nineteenth century residential development that reflects the fortunes of Bolton at this time. The linear character, neo classical proportions and traditional details all appear to contribute to the special architectural and historic character of the CA and along Bark Street East this character is particularly noticeable. With regards Listed Buildings, the most notable Listed Building located nearby is the Grade II Listed All Saints Ukrainian Catholic Church that stands prominently at the end of Bark Street East and terminates the view along the road here. Other notable buildings along Bark Street East include the non listed 2, 4, 10/20 and 13-23 all of which contribute strongly to the character of the historic environment here.
 8. In considering this appeal therefore I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give 'Special Attention' to the desirability of preserving or enhancing the character or appearance of the St George's Conservation Area. I am also required by Section 66 of the Same Act to give 'Special Regard' to any Listed Buildings as well as any contribution development within the setting of such a building may have upon its significance. These requirements are reflected in The Framework, which states that 'Great Weight' should be given to the heritage assets' conservation and also illustrates the positive contribution that heritage assets can make to the creation of sustainable and economically viable communities.
 9. I note the tangible improvement that was obtained for this street through the previous planning application that resulted in the redevelopment of this site from commercial/industrial units of low rise to this new building that better reflects the overriding character of the CA. However, such schemes are often reliant upon their respective details in order to be truly successful and this requirement for quality detail is reflected in The Framework itself. Windows are a noticeable feature that contribute significantly to the quality and overall character of such an area and this is reflected in the CA appraisal that recognises the negative effect of inappropriate windows being inserted into buildings. Some such windows exist locally and I saw that, where they exist, they have a significantly detracting effect.
 10. Although the existing building is modern however, it still provides a key piece of townscape and forms a key view towards the Listed Building at All Saints Ukrainian Catholic Church. The windows as have been inserted, although of a sash style, do not reflect the quality, depth or functionality that makes such windows important for preserving the character of such an area. For instance, not only is the reveal of these windows into the façade minimal, but the depth

of frames as they meet is near flush and represents a poor imitation of a traditional sash. Whilst open the windows also protrude from the façade and are alien to the traditional context as a result.

11. Ultimately, although it is accepted that this building has improved the character of the area, any benefit is severely let down by the poor execution of one of its principal architectural features, namely the windows, and the execution of their design in this very sensitive context. I therefore consider that condition number 5 was required for good reason and, unfortunately the inserted windows undermine the good intentions of this scheme as a whole.
12. I also have no evidence before me to suggest that sufficient details were submitted to the Council in order to allow them to manage the installation of these windows effectively. Despite the alleged length of time to determine the application, this does not alleviate the need for appropriate details to be agreed prior to commencement as required by the condition.
13. As such, I find harm to the character and appearance of the St George's Conservation Area and the setting of Listed and non Listed buildings within the CA through the insertion of these inappropriate windows into the northern elevation of this building. As such the variation of condition 5 to allow such sub standard windows to remain on the northern elevation would be in conflict with Policies JP-P1 and JP-P2 of the Places for Everyone Joint Development Plan aswell as the overriding guidance contained within the Framework itself.
14. Furthermore I consider that insufficient detail has been provided with regards the details and specifications of such windows to allow the Council to be confident in ensuring satisfactory fenestration would exist throughout the lifetime of this development, also in conflict with Policies JP-P1 and JP-P2 of the Places for Everyone Joint Development Plan.

Conclusion

15. As such, for the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR