



Appeal Decision

Site visit made on 2 April 2025

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/N4205/D/25/3359410

44 Old Kiln Lane, Bolton, BL1 5PD

- 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 Robert Taylor against the decision of Bolton Metropolitan Borough Council.
 - The application Ref is 19029/24.
 - The development proposed is a single-storey extension to the existing property, extending the full length of the current boundary of the utility and store room. The extension will project from the existing dining room and match the width of the current small side extension at the kitchen, which adds approximately 68cm to the width of property to the rear. Internally, the extension will involve the removal of the internal wall between the existing kitchen and dining room, removal of the utility and store room and removal of part of the hall wall to create a large open-plan living space. The rear of the new extension will feature bi-fold doors, providing access to the garden and enhancing natural light within the space. The extension will have a flat walk-on roof, which will include two walk-on ceiling windows. A glass balustrade will be installed around the perimeter of the flat roof to create a balcony space.
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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 occupiers of Number 42 Old Kiln Lane, with regards to privacy.

Reasons

3. The appeal property is a two storey, brick-built, semi-detached dwelling. It is set back from the road behind a parking area and has a garden to the rear.
4. The appeal property is located in a residential area characterised by the presence of two-storey detached and semi-detached dwellings. Dwellings tend to be set back from the road behind gardens and/or parking areas and have gardens to the rear. The setting back of dwellings from the road, together with the presence of grass verges, street trees, hedges and gardens, combines to provide for a green and spacious character.
5. During my site visit, I observed that many dwellings have been altered and/or extended and that such changes generally appear in keeping with host dwellings and the surrounding area.

6. The single storey rear extension would stretch across the majority of the width of the property, replacing a smaller rear store/utility. The proposal would include a walk-on roof, which would be surrounded by a 1.1 metre tall glass balustrade to create a balcony across the majority of the single storey-extension's roof.
7. The large size and very close proximity of the proposed balcony would provide for views back towards the rear-facing bedroom windows of Number 42 Old Kiln Lane, the attached neighbouring dwelling. Given that users of the proposed balcony would effectively be standing at first floor height, such views would be directly level with rear-facing bedroom windows.
8. It is entirely reasonable for the occupiers of first floor bedrooms to expect a high degree of privacy. However, taking the above into account, the proposed development would result in the erosion of the privacy of the occupiers of No 42 when using their rear-facing bedrooms. In this regard, I find that the proposed balcony would comprise an intrusive form of development.
9. The proposed balcony would provide for views to the rear, including towards the rear garden of No 42. Whilst direct views into No 42's rear garden would be largely obscured by the presence of trees and planting along the shared rear boundary, the removal or reduction of these trees and/or planting would lead to considerable scope for the proposed development to provide for the direct overlooking of No 42's rear garden from a dominant height at close proximity. Whilst not a factor which on its own warrants the dismissal of the appeal, this is something that adds weight to the conclusion below.
10. Taking all of the above into account, I find that the proposed development would harm the character and appearance of the area, contrary to the National Planning Policy Framework; to Policy CG4 of the Bolton Core Strategy Development Plan Document (2011); and to the Council's House Extensions Supplementary Planning Document (2012), which together amongst other things, seek to protect residential amenity.

Other Matters

11. The appellant, in support of his case, suggests that a condition to provide obscure glazing to the side elevation of the balcony would mitigate concerns about overlooking. However, in the absence of detailed information, it is not clear to me how such a condition might appropriately achieve this. I note that simply obscuring the glazing of the proposed glass balustrade would fail to prevent overlooking above its relatively low 1.1 metre height and also, that tall screening could have implications in respect of the overall visual appearance of the proposed development.
12. In support of his case, the appellant refers to a number of balconies elsewhere in the surrounding area. However, the circumstances relating to the examples of balconies provided are not the same as or so similar to the proposal the subject of this appeal such that they provide for direct comparison.
13. Notwithstanding this and in any case, I have found that the proposed development would result in significant harm and hence the decision below.

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR