



---

## Appeal Decision

Site visit made on 31 March 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> May 2025

---

**Appeal Ref: APP/N4205/W/24/3354726**

**33 Worcester Street, Bolton BL1 3NH**

- 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 Sajid Iqbal against the decision of Bolton Council.
  - The application Ref is 18840/24.
  - The development proposed is erection of external staircase at rear and self-contained flat at first floor.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Notwithstanding the original description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the change of use from a dwelling to two self-contained flats together with the erection of an external staircase. The Council dealt with the proposal on that basis, as did the appellant in the appeal statement, and so shall I.
3. The site visit was arranged as an 'access required site visit,' although I was not able to proceed on that basis. However, I was able to see all that I needed from public areas, hence my visit was carried out unaccompanied and I left a note to that effect at the appeal property. During my visit, I observed that the external staircase and first floor entrance door are in situ.

### Main Issues

4. The main issues in this case are the effect of the development on:
  - The character and appearance of the area, in respect of the external staircase and bin storage;
  - The living conditions of future occupiers in respect of internal and external space, light and outlook;
  - The living conditions of the occupiers of no. 35 Worcester Street in respect of privacy.

## Reasons

### *Character and appearance*

5. The appeal site is within a high density, residential area of uniform housing in regimented rows. In the wider area there are several large rear extensions. Each terraced property has a private rear yard enclosed by a tall wall and accessed through a gate. The back lane is one-way for vehicles, and it was apparent from my site visit that some vehicles park on a demarcated area adjacent to the yard walls.
6. The appeal site is an end terrace property, and as such its front, side and rear are prominent. It was clear from my site visit that prior to the erection of the external staircase, the publicly visible elements of the rear elevation mirrored the rest of the row in its simplicity. The rear outshot is inconspicuous as its ridge is below the top level of the rear yard wall.
7. The staircase is metal, and simply detailed with thin handrails and balustrade and a modest landing area. Whilst it projects forward of the uniform rear aspect of the terrace row, it is slender and also seen against a backdrop of much larger bulky extensions within the wider area. It does not therefore have a harmful impact on the character and appearance of the area.
8. The Council advises that six wheelie bins are required for the development. The staircase and rear outshot take up almost the entire external rear yard, leaving little space for adequate bin storage or space to manoeuvre them on collection days. In addition, whilst the appellant states that bins can be stored under the stairs, this would be a fire hazard for the first floor occupant, as the stairs are their sole means of egress. Notwithstanding the appellant's assertion that the bins would be stored under the stairs, it has not been robustly shown in any case, that 6 bins would fit under the stairs without restricting access into the ground floor flat. As such, for the reasons outlined, it is highly likely that the bins would be left in the rear lane to the detriment of the visual appearance of the area.
9. For the above reasons, I conclude that the proposal would not have a harmful effect on the character and appearance of the area in respect of the external staircase, however it would have a harmful effect on the character and appearance of the area in respect of bin storage. As such, the development conflicts with the relevant provisions of Policy RA1 of the Local Development Framework, Bolton's Core Strategy Development Plan Document (Core Strategy) and Policy JP-P1 of Places for Everyone Joint Development Plan 2022 – 2039, Version presented to Council Meetings for Adoption with effect from 21 March 2024 (Places for Everyone). These policies, amongst other things, require new development to respect the distinctive character and identity of the physical environment and street-scaping of existing housing.

### *Living conditions of future occupiers*

10. The Government's 'Technical housing standards – nationally described space standards' (NDSS) set out the minimum space requirements for all new residential units. Policy JP-P1.15a of Places for Everyone states that all new dwellings must meet these standards. It is therefore appropriate for me to consider this appeal based on the NDSS.

11. The Council states that the proposed ground floor flat is 33.7 sq.m. and the first floor flat is 33.2 sq.m. and these figures are not substantially disputed by the appellant. The NDSS requirement for a one bedroom one person property is 39 sq.m. (or 37 sq.m. if a shower room is proposed instead of a bathroom). As such both flats fall well below the minimum acceptable standard of accommodation for a one person property, and substantially below the standard if occupied by two people. It has not therefore been clearly shown that the proposed development would avoid a space which would be cramped, oppressive, difficult to fit furniture in or provide general internal circulation space.
12. Furthermore, neither flat has a main living space. The ground floor kitchen looks out at the external staircase and tall wall of the rear yard, whilst the first floor kitchen relies on a rooflight. Outlook and light would therefore be of poor quality. As a result of this, and the size of the kitchen particularly on the ground floor, the occupant is likely to spend much of their time in the bedroom. Both flats would rely on the rear yard for a useable outdoor area, however the external staircase and the outshot occupy almost the entirety of this space. Outdoor space provision would also therefore be poor.
13. For the above reasons, I conclude that the proposal would have a harmful effect on the living conditions of future occupiers in respect of internal and external space, light and outlook. As such, the development conflicts with the relevant provisions of Policies JP-H3.1 and JP-P1.15a of Places for Everyone. These policies require new development to conform to nationally described space standards so that it is functional and convenient and responds to people's needs, amongst other things.

*Privacy of the occupiers of no. 35 Worcester Street*

14. The top landing of the external staircase sits above the ridge of the rear outshot, such that it is possible to look over into the private rear yard and rear windows of no. 35 Worcester Street. The stairs are an elevated external projecting space, where occupants or visitors to the flat can linger, for example for smoking or taking fresh air. As such this would give rise to increased overlooking of the neighbouring yard, in comparison to a window where views into the yard would be oblique.
15. The appellant is open to providing privacy sheets on the side of the staircase, however no detail has been provided. In any case, such an addition would add bulk, and draw attention towards the staircase structure. I am therefore not persuaded that this matter could be resolved by way of a planning condition requiring details of such a screen.
16. For the above reasons, I conclude that the proposal would have a harmful effect on the living conditions of the occupiers of no. 35 Worcester Street in respect of privacy. As such, the development conflicts with the relevant provisions of Policy CG4 of the Core Strategy, and JP-P1.15a of Places for Everyone. These policies requires new development to be compatible with surrounding occupiers, and protecting privacy, amongst other things.

**Other Matters**

17. The Government is seeking to significantly boost the supply of housing, and the proposal would contribute to this. However, the contribution would be minimal given the size of the units. In any case this benefit would be heavily outweighed by

the poor quality of the living conditions, the impact on the privacy of no. 35 Worcester Street, and the harm to the character and appearance of the area.

18. The appellant asserts that the dwelling has been occupied in a manner consistent with the current proposal for a number of years. Little evidence of this has been provided. It is not for me, under a Section 78 appeal, to determine whether any pre-existing occupancy of the building would be lawful. It is open to the appellant to apply to the Council for a separate determination under Sections 191/192 of the Town and Country Planning Act 1990, regardless of the outcome of this appeal.
19. Third parties have referred to car parking problems directly associated with the number of occupants at the appeal site. At the time of my site visit I observed that there was only one car parked in the rear lane, and I also note the Council has not raised this as a concern. I do acknowledge this matter, however as I am dismissing the appeal for other reasons, this is not something I need to consider further, and it does not need to be a main issue of the appeal.

### **Conclusion**

20. For the reasons given above, I conclude that the appeal should be dismissed.

*E Heron*

INSPECTOR