



Appeal Decision

Site visit made on 30 April 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 16th June 2025

Appeal Ref: APP/N4205/W/25/3360451

Weatherfield House, 2 Park Street, Farnworth, Bolton BL4 7RE

- 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 Akiba Pines against the decision of Bolton Metropolitan Borough Council.
 - The application Ref is 18631/24.
 - The development proposed is change of use of the second floor from attic space to 1no. four-bedroom flat together with the installation of 5no. proposed rooflights repair external render.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr Akiba Pines against Bolton Metropolitan Borough Council. That application is the subject of a separate Decision.

Main Issue

3. The main issue is whether or not the proposal would provide adequate living conditions for future residential occupiers, with particular regard to outlook and private amenity space.

Reasons

4. The appeal relates to the roof space of Weatherfield House (No 2) which is a 2-storey former warehouse/ office building, the ground and first floors of which have been converted to residential use¹. It is an end of terrace property in a densely developed and primarily residential area, albeit with commercial uses to the south west including along Market Street. The appeal property does not have any private outdoor space and its elevations are immediately to the rear of the footways.
5. While the building was converted into residential flats under Prior Approval, planning permission had been previously refused², including on appeal³, for its change of use to residential. Planning permission⁴ was also subsequently refused in September 2018 and dismissed on appeal⁵ in 2019 for change of use of second floor of building from attic space to a two bedroom flat. In each case, the reasons for refusal included grounds relating to the living conditions of future occupiers.

¹ Ref 01494/17 – prior approval for the change of use of the ground and first floors from storage to 4no. flats.

² Refs 93822/15 and 94617/15

³ Ref APP/N4205/W/15/3137646

⁴ Ref 03946/18

⁵ Ref APP/N4205/W/18/3213627

6. This proposal differs from the 2019 appeal scheme, including in relation to the increase in the number of bedrooms and the altered positioning of rooflights. However, as with the earlier scheme, the proposal would not provide any private outdoor space either in the form of balconies or communal areas. Therefore, in this regard, the proposal would conflict with the aims of the Council's General Design Principles Supplementary Planning Document (the SPD) in relation to the provision of private sitting out areas.
7. I accept that the appeal site is in easy walking distance of Farnworth Central Park. While this is no doubt a valuable green space for local residents, it does not provide private outdoor space. Consequently, it would not function for future occupiers of the proposal as a space where children could safely play, for gardening or drying of laundry, or for sitting out and socialising. The accessibility of public parks is not a satisfactory substitute for private amenity space, particularly taking into account that the proposal would be a 4 bedroom flat suitable for family occupation. The designation of one of the rooms as a utility/ laundry drying room would not mitigate the absence of outdoor amenity space, taking into account the various functions and benefits of such.
8. As with the previous appeal, there would be a vertical window in the kitchen overlooking Back Darley Street. However, the elevation plans suggest that this would be a low level window, below the sill height of the proposed rooflights, and potentially largely obscured by the kitchen units. The remainder of the kitchen/ dining room would be served by a high level rooflight that would allow views of the sky but little else.
9. The bedroom in the gable end would have a window opening allowing views across Park Street. However, the remaining 3 bedrooms, the living room and the den would all be served by rooflights. The section plans appear to illustrate that a person of average height would be able to look out of these. However, taking into account the outer sill height, rooflight frames, and the constrained headroom due to the slope of the roof, I cannot be satisfied that the rooflights would allow any meaningful outlook for adults let alone children.
10. I note the photographs in Appendix 5 of the appellant's statement, which illustrate the views from the existing rooflights. However, these appear to have been taken from a position outside of the rooflights and they do not demonstrate the outlook from within habitable rooms. Consequently, there is little substantive evidence that the majority of habitable rooms would have a satisfactory outlook. The poor outlook and the absence of any private outdoor space would be detrimental to the health and well-being and quality of life of future occupiers. The proposal would not provide a high standard of amenity.
11. The gross internal floorspace exceeds the nationally described space standards, although I note that evidence has not been presented in relation to the minimum floor areas and room widths for bedrooms, storage areas or ceiling heights. While the planning application was not refused on grounds relating to internal space, I agree with the Council in that the bedrooms appear somewhat cramped. The plans illustrate the bedroom in the gable end as an awkwardly shaped and tapering space. While regular in shape, the bedrooms overlooking Vernon Street appear small and constrained, taking into account the ensuites, door openings and sloping ceilings. Moreover, a large proportion of the internal space is dedicated to internal

circulation. The gross internal floorspace does not mitigate the poor outlook and absence of outdoor amenity space.

12. My attention has been drawn to planning permission⁶ for change of use of former Conservative Club to 8 apartments at Church Street Horwich. While no private outdoor amenity space was or could be provided in that case, the Council considered that would not be detrimental to the amenity of future residents taking into account the location within Horwich town centre and opposite Old Station Park. The appellant considers that this demonstrates the SPD standards can be flexibly applied where conversion schemes are constrained.
13. However, that scheme is in a different surrounding context. Each flat exceeds the minimum nationally described space standards and benefits from normal windows, thereby providing a higher standard of internal living accommodation than the proposal. Moreover, it secures the enhancement, future use and maintenance of a non-designated heritage asset in the Horwich Town Centre Conservation Area. Conversely, the appeal property is not a heritage asset nor in a Conservation Area. Moreover, it is already in residential use such that its use and maintenance has been secured. Consequently, as the Church Street scheme is not directly comparable, it does not demonstrate inconsistency in the Council's decision making and it does not provide a justification for the appeal.
14. The Inspector in the previous appeal considered that that scheme would result in unsatisfactory living conditions for future occupiers. Notwithstanding the altered rooflight positions, the proposal would similarly provide a poor standard of residential amenity. As such, the amendments to the scheme do not overcome the concerns of the previous Inspector or the Council.
15. Therefore, the proposal would not provide an acceptable standard of living conditions for future occupiers, with particular regard to outlook and amenity space. It would conflict with the residential amenity aims of Policy CG4 of Bolton's Core Strategy Development Plan Document Adopted March 2011. It would also conflict with the guidance in the SPD. The reason for refusal also cites conflict with the Council's House Extensions Supplementary Planning Document Adopted August 2012. However, this relates to extensions to dwellings and not to the conversion of buildings and as such I find no conflict with it.

Other Considerations and Planning Balance

16. Paragraph 124 of the National Planning Policy Framework (the Framework) is clear that the effective use of land entails, among other things, ensuring healthy living conditions. Paragraph 125 promotes the development of under-utilised land and buildings, especially if it would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively. It also supports opportunities to use airspace above residential and commercial premises for new homes, where the development would be well-designed (including complying with any local design policies and standards). Paragraph 129 supports the efficient use of land taking into account, among other things, the importance of well-designed, attractive and healthy places. Paragraph 135 requires that development functions well and creates places which promote health and well-being, with a high standard of amenity for existing and future users. These

⁶ Ref 18499/24

policies do not therefore provide support for proposals that fail to ensure healthy living conditions or poor standards of amenity for future occupiers.

17. The appeal site is in an accessible location, having regard to services and facilities and sustainable transport modes. This is requirement of policy and not a benefit that weighs in favour of the scheme. The avoidance of harm and conflict in relation to other policy matters similarly carries neutral weight.
18. The external render, which the evidence indicates is in poor condition, would be repaired/ repainted to the Vernon Street elevation and around the openings in the Back Darley Street and Park Street elevations. This would improve the appearance of the building. However, the appeal building is not of any particular architectural merit nor is it in a prominent or high quality townscape location or Conservation Area. The general maintenance of the property, including its fabric, is not dependent on the proposal and it carries little weight in favour of it.
19. The proposal would be a single unit of residential accommodation, suitable in size for a family albeit would not provide satisfactory living conditions for the reasons discussed above. Nevertheless, it would contribute to the supply of housing. The internal conversion works have already been largely carried out with the exception of the rooflights. Therefore, there would be minimal economic benefits during construction. There would be similarly limited economic benefits during occupation, taking into account the urban location. Collectively, these carry limited weight in favour of the scheme.
20. The Council cannot demonstrate a 5 year supply of deliverable housing sites, and the parties agree that the supply currently stands at 3.7 years. Notwithstanding the Housing Delivery Test: 2023 measurement stands at 94%, paragraph 11d)ii. of the Framework is engaged. This sets out that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
21. The proposal would be in a sustainable location. While the proposal would not be an affordable home, nevertheless one market dwelling would be a limited benefit taking into account the government's objective of significantly boosting the supply of homes. There would also be limited economic benefits.
22. On the other hand, the proposal would not provide a high standard of living conditions for future occupiers. As such, although the proposal would be the development of unused attic space, nevertheless it would conflict with policies in the Framework that relate to the efficient use of land. It would also conflict with the aims of the Framework in relation to the creation of well-designed and healthy places, that function well and promote health and well-being, with a high standard of amenity for existing and future users. Accordingly, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework. The proposal does not therefore benefit from the presumption in favour of sustainable development.

Conclusion

23. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations including the Framework that would outweigh that conflict.
24. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR