



Appeal Decision

Site visit made on 29 October 2025

by **Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/N4205/W/25/3369989

19 Egerton Street, Moses Gate, Farnworth Greater Manchester BL4 7LB

- 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 S Hussain against the decision of Bolton Metropolitan Borough Council.
- The application Ref is 17934/24.
- The development proposed is a change of use from hairdressers and part of garage services use to 5 no. self-contained apartments together with external staircase to side elevation, erection of boundary wall, and associated alterations (retrospective).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council amended the original description of development to reflect all elements of the proposal and the revised plans. The appellant confirmed in the appeal form that the description matches that on the decision notice. Accordingly, the description of development above is taken from the Council's decision notice. In the interests of fairness and precision, I have assessed the development based on the plans that were before the Council at the time of its decision.
3. The application form indicates that the change of use started on 6 June 2023, but the scheme has not been fully completed. I have observed at my site visit that the development is partly retrospective. I have considered the development on this basis.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the area; and
 - Whether the development provides adequate living conditions for the occupiers of the proposed flats with particular regard to noise and air pollution, internal floorspace, internal headroom, private and communal amenity space, light and outlook.

Reasons

Character and appearance

5. The appeal site is located within a mixed-use area, adjacent to a vehicle repair and tyre-fitting garage and occupies a prominent position close to the junction of Egerton Street with Bolton Road. The surrounding area is defined by a dense

urban grain, with buildings of various materials, including brick, stone and render, typically arranged in tight plots and presenting simple elevations, which contribute to a modest, functional streetscape.

6. The external staircase, due to its prominent position on the side elevation, its stark metal construction, and contrasting colour against the brickwork, appears visually intrusive within the street scene. Its utilitarian design and exposed structure detract from the overall character and quality of the area, particularly given its prominence within the street scene. Extending the landing to create amenity space for No. 31 would increase the bulk and projection of this feature, making it even more dominant and incongruous in relation to the building and surrounding context. This would further erode the visual coherence of the streetscape and exacerbate the negative impact of the development on the character and appearance of the area.
7. Accordingly, the development would be harmful to the character and appearance of the area. Therefore, it conflicts with the aims of Policy JP-P1 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039 adopted 2024 (PfE), which requires, amongst other things, developments to respect and acknowledge the character and identity of the locality in terms of design, siting, size, scale and materials used. The development is also contrary to the aims of the National Planning Policy Framework (the Framework), which at paragraph 135 states that developments should function well and add to the overall quality of the area.

Living conditions - Noise and air pollution

8. Paragraph 200 of the Framework seeks to ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'the agent of change') should be required to provide suitable mitigation before the development has been completed.
9. Policy CG4 of the Bolton's Core Strategy Development Plan Document 2011 (CS) and Policy JP-S5 of the PfE seek to ensure that new development is compatible with surrounding land uses and the amenity of residents is protected from, amongst other things, noise and air pollution.
10. The appeal building is immediately adjacent to a vehicle repair and tyre-fitting garage. In the absence of any assessment of noise, odours or air quality, it has not been demonstrated that adequate living conditions for the occupants of the proposed flats can be achieved, particularly with regard to noise and air quality. This omission is significant given the proximity of the existing business and the potential for adverse effects.
11. In the absence of robust evidence and mitigation, I must take a precautionary approach and find that the development fails to achieve high standards of amenity for the occupants of the proposed flats, with particular regard to noise and air pollution, and risks placing unreasonable restrictions on the established business. Thus, the development is contrary to the aims of CS Policy CG4, PfE Policy JP-S5, and to those of the Framework.

Living conditions - Internal floorspace / headroom, light, outlook and amenity space

12. Policy JP-H3 of the PfE concerns the type, size and design of new housing. It requires, amongst other things, all new dwellings to comply with the nationally described space standards (NDSS).
13. The submitted plans specify the internal floor areas for each flat, which differ slightly from the figures referenced in the Council's Planning Officer report. However, these discrepancies are minor and, in the absence of any substantive evidence to indicate that the figures shown on the plans are inaccurate, I have assessed the development based on the submitted plans.
14. Flat No 25 has an internal floor area of approximately 30.15 square metres, which does not meet the NDSS required minimum gross internal floor area (GIFA) of 37 square metres. An additional 6 square metres are proposed to the rear of No 25 as amenity space. However, this area would not be part of the GIFA. Flat No 29 also falls short of achieving the minimum GIFA, as the outlined 48 square metres do not meet the 50 square metres NDSS requirement. Flat No 31 is shown as having an internal floor area of approximately 34.65 square metres, which falls short of meeting the minimum GIFA of 37 square metres. The additional 5.75 square metres proposed for the balcony would not make up for the insufficient GIFA. Accordingly, due to inadequate GIFA, the development fails to provide acceptable living conditions for the occupants of flats Nos 25, 29 and 31.
15. Flat No. 33 spans two floors, with the upper level located in the roof space. Due to the roof slope, parts of the lounge/kitchen and bedroom 2 have restricted headroom. The NDSS excludes areas with headroom below 1.5m from the GIFA unless used solely for storage. It also requires a minimum ceiling height of 2.3m for at least 75% of the GIFA. The submitted evidence does not demonstrate that account was taken of these restrictions. Although the plans indicate a floor area of approximately 88.55 square metres, they fail to demonstrate sufficient usable space. Additionally, bedroom 2 relies solely on a roof window, and the lounge has only a roof and dormer window, limiting natural light and outlook. Consequently, these rooms do not achieve high amenity standards in terms of light and outlook. Overall, the development fails to provide adequate living conditions for future occupants of flat No 33.
16. The Council's General Design Principles Supplementary Planning Document (SPD) sets out amenity standards for flats/apartments. It states that private sitting-out areas should take the form of either a minimum balcony area of 5 square metres for each flat or for an adequately screened communal area with a minimum provision of 18 square metres per flat. Although private outdoor amenity areas are proposed for Nos 25 and 31, the submitted evidence does not demonstrate that these spaces would be adequate in terms of usability and quality. Even if the required floor areas were technically achieved through a combination of private and communal spaces, the plot's constraints, particularly its proximity to the garage, and my earlier findings on noise and pollution lead me to conclude that any such provision would fall short of delivering high-quality amenity standards for the occupants of all 5 flats.
17. In conclusion, the development fails to provide adequate living conditions for the occupiers of the proposed flats, with particular regard to internal floorspace / headroom, light, outlook and amenity space. Therefore, it fails to achieve the aims

of PfE Policies JP-H3 and JP-S5, CS Policy CG4, and the guidance outlined within the SPD, as set out above.

Other Matters

18. I acknowledge the letters of support from third parties, including those who reside in the flats subject to the appeal scheme. However, they do not alter my findings with regard to the living conditions and character and appearance harm identified above.

Planning Balance and Conclusion

19. The latest information is that the Council is able to demonstrate a housing land supply of only 3.7 years. This is well below Government expectations. Therefore, due to the housing land supply position, paragraph 11 d) of the Framework is engaged. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing 5 additional flats to assist the Council in addressing its undersupply.
20. Set against the harm identified above, the development would attract some social and economic benefits, albeit small given the scale of the development. Consequently, the harm to the character and appearance of the area and to the living conditions would significantly and demonstrably outweigh the limited benefits of the development when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
21. The development conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

Andreea Spataru

INSPECTOR