

**Planning Applications Report**

**Planning Committee  
13th April 2023**

**Bolton  
Council**

Bolton Council has approved a Guide to Good Practice for Members and Officers Involved in the Planning Process. Appendix 1 of the Guide sets down guidance on what should be included in Officer Reports to Committee on planning applications. This Report is written in accordance with that guidance. Copies of the Guide to Good Practice are available at [www.bolton.gov.uk](http://www.bolton.gov.uk)

Bolton Council also has a Statement of Community Involvement. As part of this statement, neighbour notification letters will have been sent to all owners and occupiers whose premises adjoin the site of these applications. In residential areas, or in areas where there are dwellings in the vicinity of these sites, letters will also have been sent to all owners and occupiers of residential land or premises, which directly overlook a proposed development. Copies of the Statement of Community Involvement are available at [www.bolton.gov.uk](http://www.bolton.gov.uk)

The plans in the report are for location only and are not to scale. The application site will generally be in the centre of the plan edged with a bold line.

The following abbreviations are used within this report: -

CS	The adopted Core Strategy 2011
AP	The adopted Allocations Plan 2014
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
PCPN	A Bolton Council Planning Control Policy Note
PPG	Department of Communities and Local Government Planning Policy Guidance Note
MPG	Department of Communities and Local Government Minerals Planning Guidance Note
SPG	Bolton Council Supplementary Planning Guidance
SPD	Bolton Council Supplementary Planning Document
PPS	Department of Communities and Local Government Planning Policy Statement
TPO	Tree Preservation Order
EA	Environment Agency
SBI	Site of Biological Importance
SSSI	Site of Special Scientific Interest
GMEU	The Greater Manchester Ecology Unit

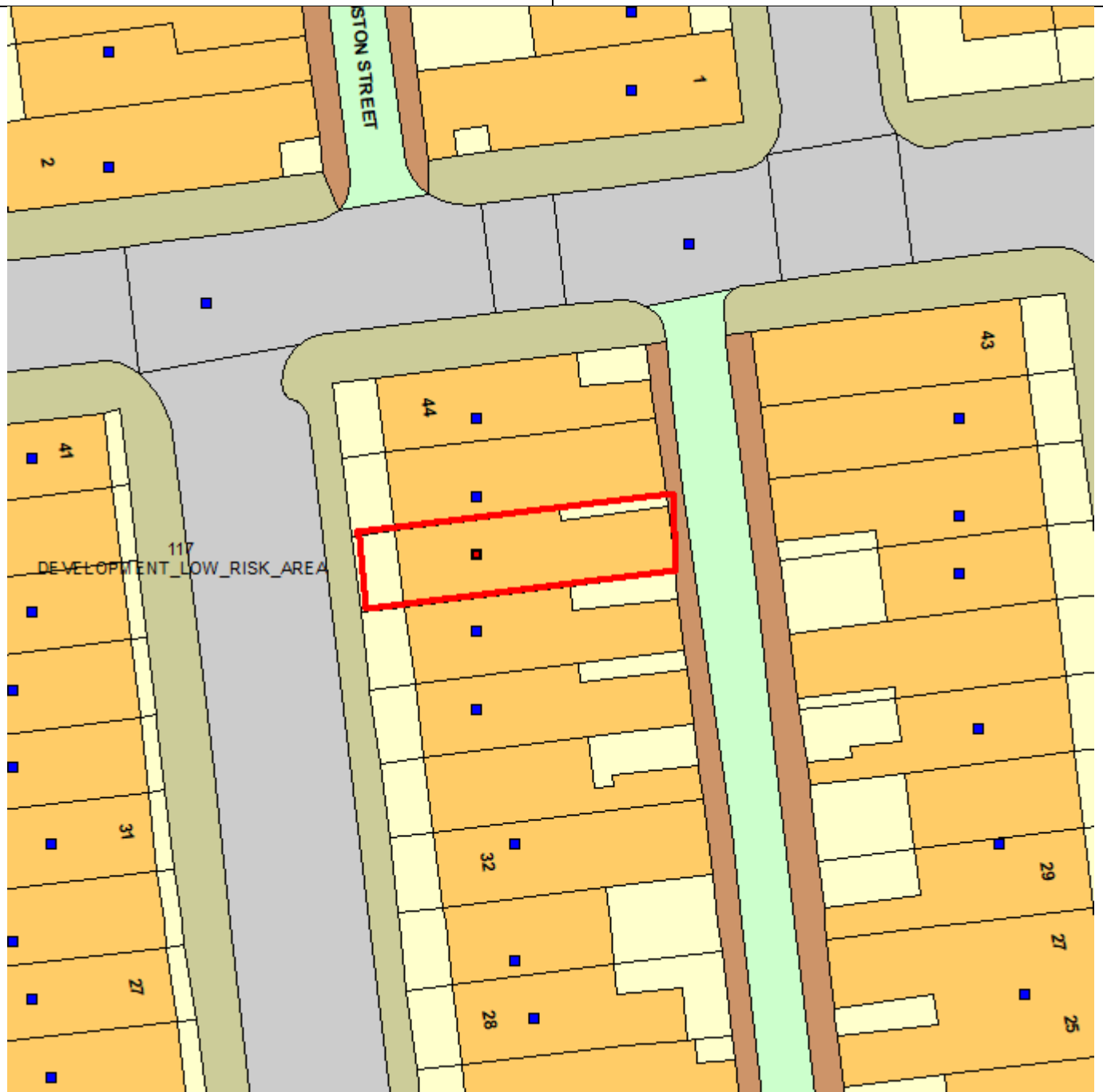
The background documents for this Report are the respective planning application documents which can be found at:-

[www.bolton.gov.uk/planapps](http://www.bolton.gov.uk/planapps)

# Application Number 14963/22

Directorate of Place  
Development Management Section

Town Hall, Bolton, Lancashire, BL1 1RU  
Telephone (01204) 333 333



**Bolton**  
**Council**

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Date of Meeting: 13 April 2023

Application Reference: 14963/22

**Type Of Application**  
**Registration Date**  
**Decision Due Date**  
**Responsible Officer**  
**Authorising Officer**

**Full Planning Permission**  
**8 November 2022**  
**12 April 2023**  
**Charlotte Orrell**

**Location**

**40 WINDERMERE STREET BOLTON BL1 8LS**

**Proposal**

**ERECTION OF FIRST FLOOR EXTENSION TO REAR**

**Ward**

**Crompton**

**Applicant:** Mr I Chhadat

**Agent:** MR Z Sufi

## **OFFICER'S REPORT**

**Recommendation:** Refused

### **Executive Summary**

- \* This application is before Members at the request of Cllr. Mort.
- \* The proposed 4 metre first floor extension would only be approximately 1.4 metres away from a main bedroom window in the side elevation of the rear extension at 42 Windermere Street.
- \* It is therefore considered that the proposed extension would unduly harm the outlook and amenity of the neighbouring residents at 42 Windermere Street, contrary to Policy CG4 of the Core Strategy.
- \* An objection has been received from the neighbouring property.
- \* Members are recommended to refuse this application.

### **Proposal**

1. Permission is sought for the erection of a first floor extension to the rear. The first floor extension be sited above an existing single storey extension, would project 4 metres from the original rear elevation of the property and would be approximately 2.6 metres in width. The resultant two storey extension would measure approximately 5.1 metres to the eaves and 6.4 metres to the ridge.

### **Site Characteristics**

2. The application property is a mid two storey terraced property. The property has an existing ground floor rear extension which the proposed extension is to be built on.
3. The existing boundaries are high walls to the rear and open to the front. There are already a number of first floor rear extensions along Windermere Street such as at the neighbouring properties at 42 and 44 Windermere Street.

### **Policy**

#### **4. Development Plan policies**

Core Strategy Policies: CG3 The Built Environment; CG4 Compatible Uses; RA1 Inner Bolton

#### **5. Other material considerations**

SPD House Extensions  
SPD General Design Principles

### **Analysis**

6. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.
7. The main impacts of the proposal are:-
  - \* impact on the character and appearance of the dwelling and the surrounding area
  - \* impact on the amenity of neighbouring residents

### **Impact on the Character and Appearance of the Dwelling and the Surrounding Area**

8. Policy CG3 of the Core Strategy states that the Council will [amongst other things] conserve and enhance local distinctiveness, ensuring development has regard to the overall built character of the area and require development to be compatible with the surrounding area in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment. Policy RA1 specifically concerns development in Inner Bolton and states that the Council will [amongst other things] conserve and enhance the distinctive character of the existing physical and natural environment.
9. The design and scale of the proposed is considered to be subservient to and in keeping with the existing dwelling.
10. The proposed extension would only be visible from the back street as it is set to the rear of the property and so this is considered acceptable.
11. Furthermore, there are other similar examples of first floor rear extensions in the street such as at the neighbouring properties at 42 and 44 Windermere Street.
12. Materials for the extensions are proposed to match both the existing roof slates and brick.
13. Access to the rear would remain for storage of bins on non-refuse collection days.
14. It is considered that the proposed first floor rear extension would be compatible with the character and appearance of the area and therefore it is considered that the proposed extension would be compliant with Policies CG3 and RA1 of the Core Strategy.

### **Impact on the Amenity of Neighbouring Residents**

15. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. SPD House Extensions sets out the Council's policy guidance concerning proposed extensions.
16. 42 Windermere Street is the adjoining neighbour to the north. Paragraph 4.21 of the SPD states that two storey rear extensions up to 4 metres in length will normally be considered acceptable. Paragraph 4.2 of the SPD however states that maintaining appropriate distances between main room windows and elevations is important. In this instance, 42 Windermere Street has a first floor extension at the rear with a bedroom window in the side elevation facing where the first floor extension at no. 40 is proposed. This bedroom window would be sited only approximately

1.4 metres from the proposed extension, which would lead to overshadowing of this neighbouring second bedroom (a main room window). Furthermore, the proposed would be sited to the south of this property and so, with the natural arc of the sun, means the impact on this neighbouring main room would be further exacerbated. Taking the above factors into consideration, it is considered that the proposed extension would not be acceptable.

17. 38 Windermere Street is the adjoining neighbour to the south. As the proposed complies with Paragraph 4.21 of the SPD (the extension is no more than 4 metres in length) and there are no other material considerations to take into account, it is considered that the proposed extension would not unduly harm the amenity of this neighbour.
18. 37 to 43 Walnut Street are sited to the rear of the application property. Paragraph 4.7 of the SPD suggests a 21 metre interface distance between neighbouring elevations both containing main room windows that directly face one another. Although there would only be approximately 12 metres between the proposed and these neighbours to the rear, terraced properties rarely retain these distances due to the close nature in which they are built. Furthermore, there are other extensions in the area which have similar or closer distances between one another and so this would be considered acceptable.
19. It is considered that the scale and siting of the proposed rear extension would unduly harm the outlook and amenity of the neighbouring residents at 42 Windermere Street and therefore the proposal would not comply with Policy CG4 of the Core Strategy.

### **Conclusion**

20. For the reasons discussed above, it is considered that the proposed extension, whilst being compatible with the character and appearance of the dwelling or the surrounding area, would unduly harm the outlook and amenity of neighbouring residents at 42 Windermere Street, contrary to Core Strategy Policy CG4.
21. Members are therefore recommended to refuse this application.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** One objection letter received:

- \* The proposed extension would only be a short distance from the second bedroom of the neighbour's house and so would overshadow the house and take all the natural light from that room which would mean the neighbour would have to use artificial light at all times.
  - o *(Officer Comment – this has been discussed within the body of the report)*
- \* The impact of the proposed would be exaggerated due to the extension being to the south of the neighbour's property.
  - o *(Officer Comment – this has been discussed within the body of the report)*
- \* The existing ground floor extension already causes overshadowing to a dining room in the house and it would be unacceptable for a similar problem to occur in the second bedroom.
  - o *(Officer Comment – this has been discussed within the body of the report)*

**Elected Members:-** Cllr. Mort made comment as follows:

- \* The application should be brought to Planning Committee on the following grounds relating to Bolton Council's SPD:
- \* 4.1 the extension does not have an overbearing or overly dominant effect on adjoining dwellings.
  - o *(Officer Comment – this has been discussed within the body of the report).*
- \* 4.4 the design of the extension avoids placing main room windows in a side elevation.
  - o *(Officer Comment – there are no main room windows proposed in the side elevation of the first floor rear extension. 42 Windermere Street does have a window in the side elevation however this extension was built prior to the 2012 SPD).*
- \* 4.20 specifically relating to terraced properties the Council has taken the view therefore that the application to extend such properties need to be considered more sympathetically as they offer very limited accommodation to meet growing demands for the homeowners.
  - o *(Officer Comment – 40 Windermere Street already has an existing ground floor rear extension. Furthermore, the extensions permitted on terraced properties should not cause undue impacts on the neighbours as outlined within the body of the report.)*
- \* 4.22 the Council recognises that applying this approach will mean more issues will arise in terms of loss of natural light but the benefit outweighs issues in terms of natural light.
  - o *(Officer Comment – this relates to modest impacts extensions may cause however the proposed would cause a great impact to the amenity of neighbouring residents at 42 Windermere Street.)*

### **Consultations**

None

### **Planning History**

None

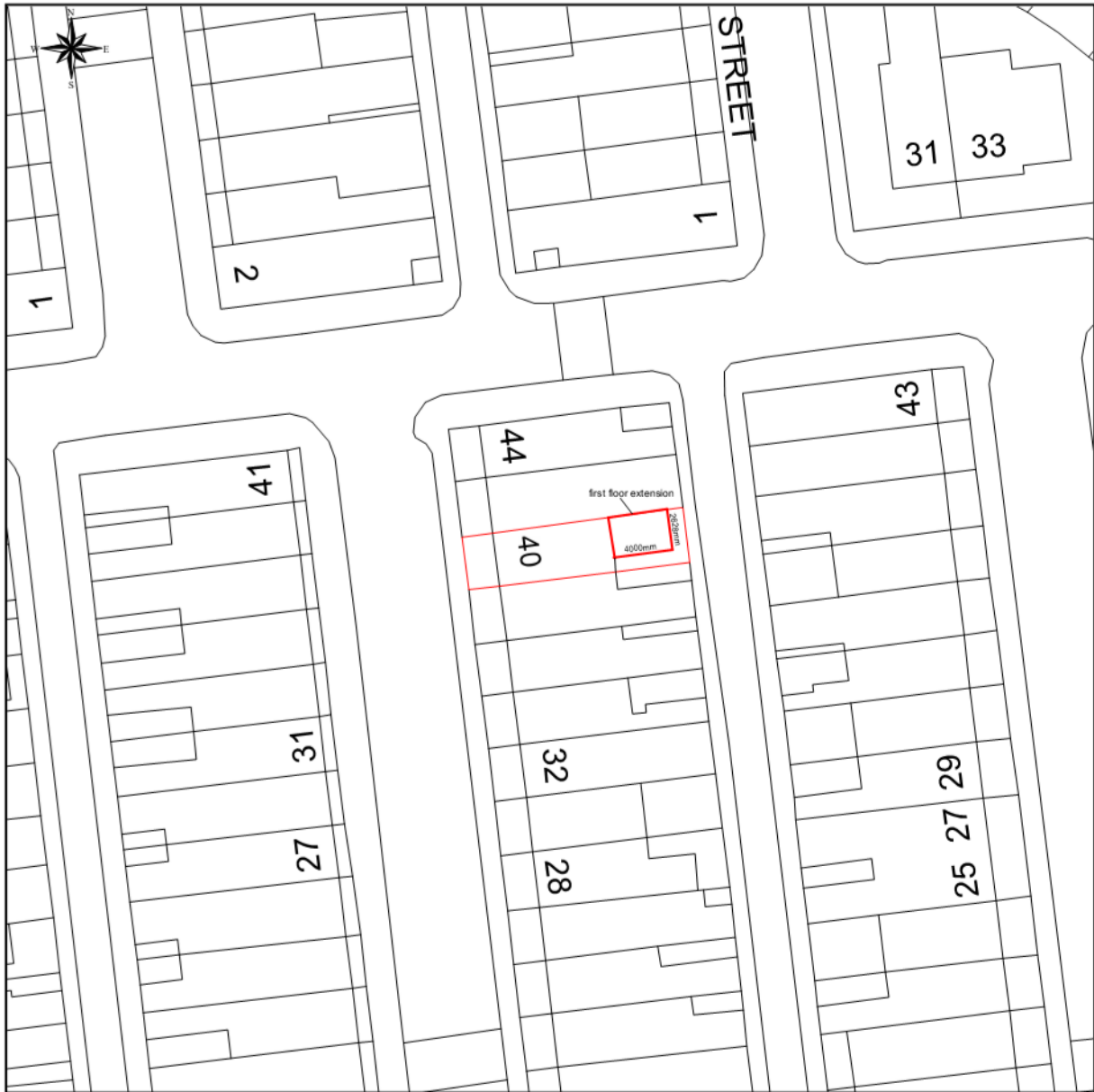
**Recommendation: Refused**

### **Recommended Conditions and/or Reasons**

Subject to the following conditions, which have been imposed for the reasons stated:-

- 1 The proposed extension would, by virtue of its scale and siting, impact detrimentally on the outlook and living conditions of the neighbouring residents at 42 Windermere Street and is contrary to Policy CG4 of Bolton's Core Strategy and Supplementary Planning Document - "House Extensions".

# 40 WINDERMERE STREET BOLTON BL1 8LS



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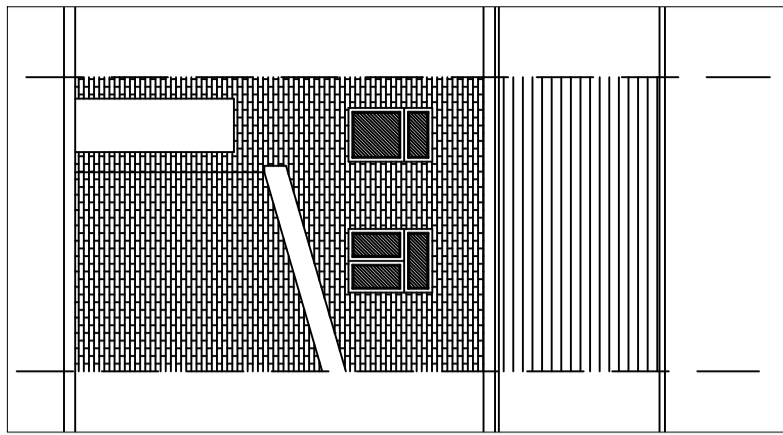
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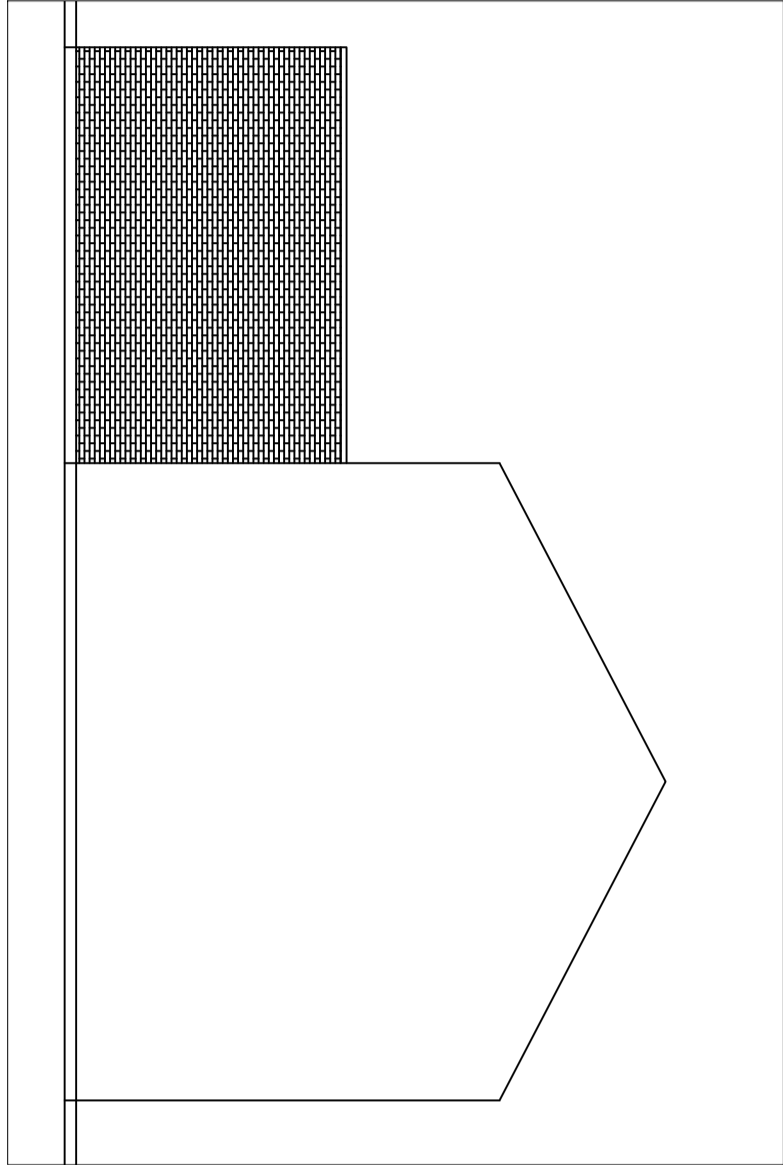
Proposed first floor rear extension



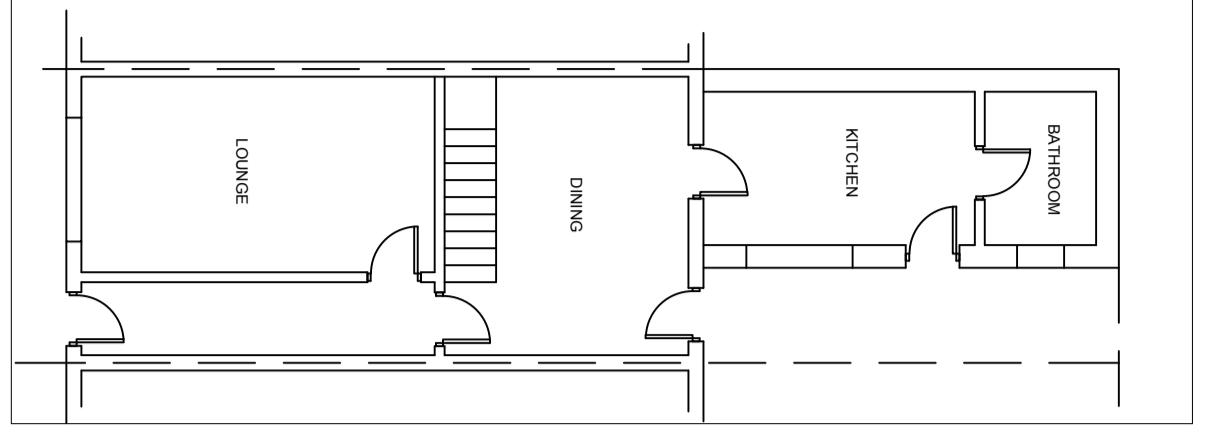
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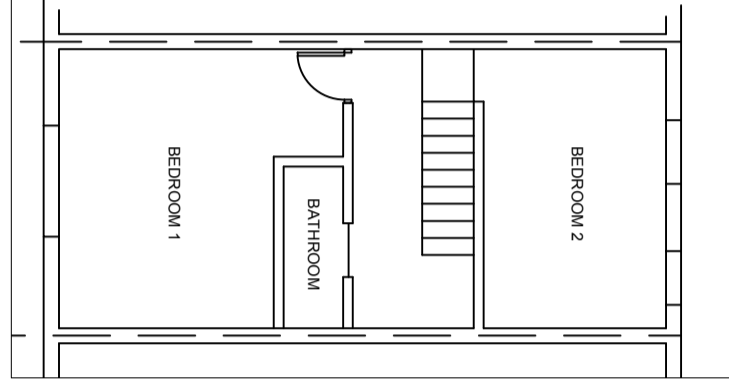
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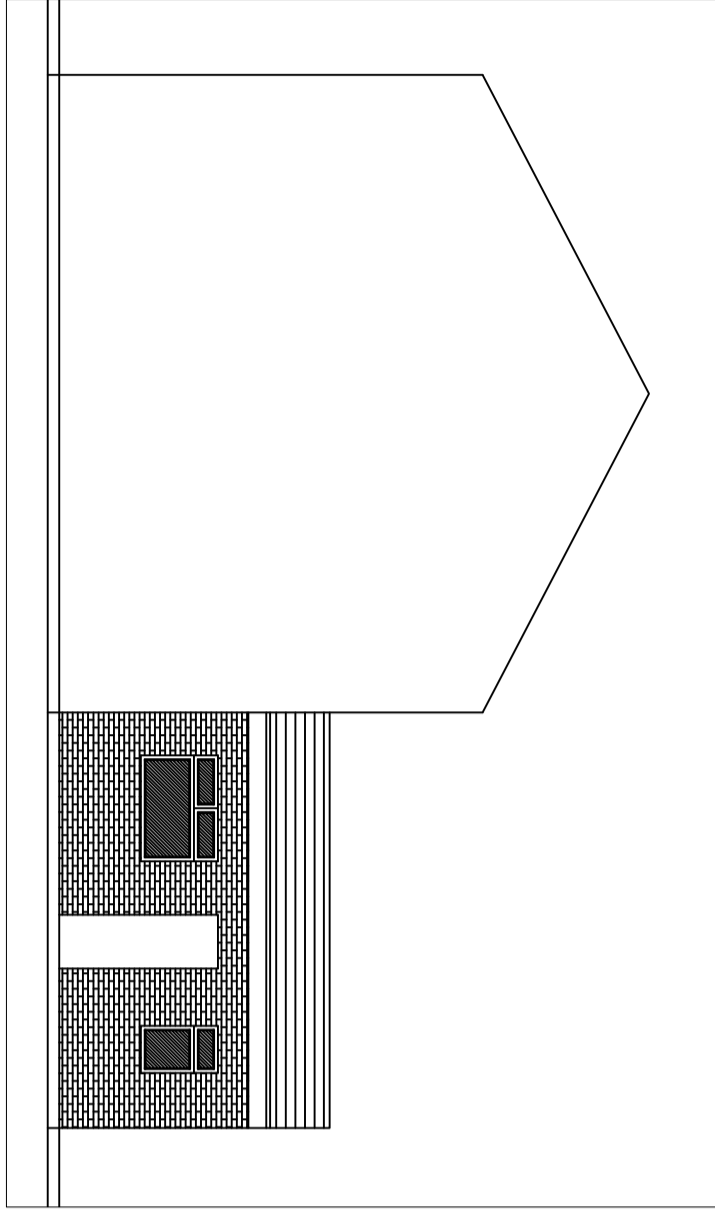
EXISTING GROUND FLOOR PLAN  
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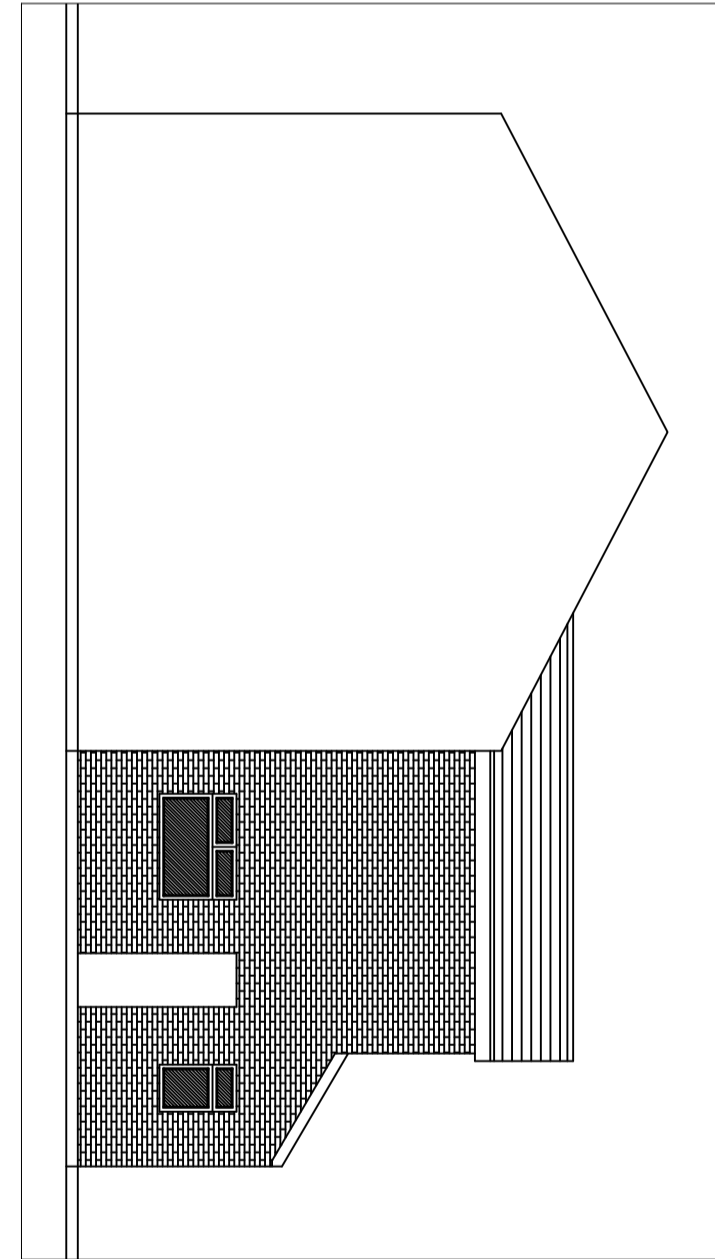
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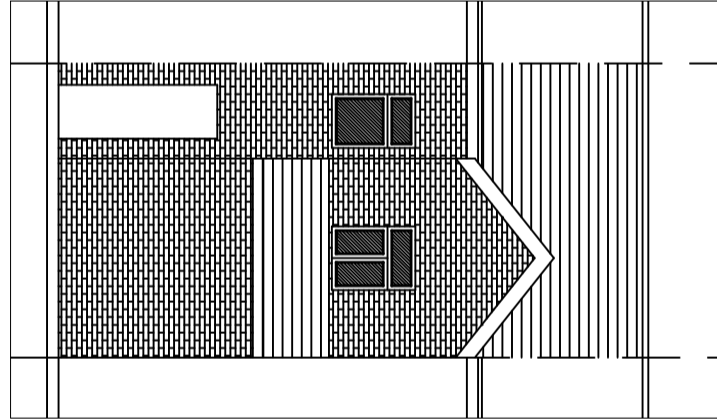
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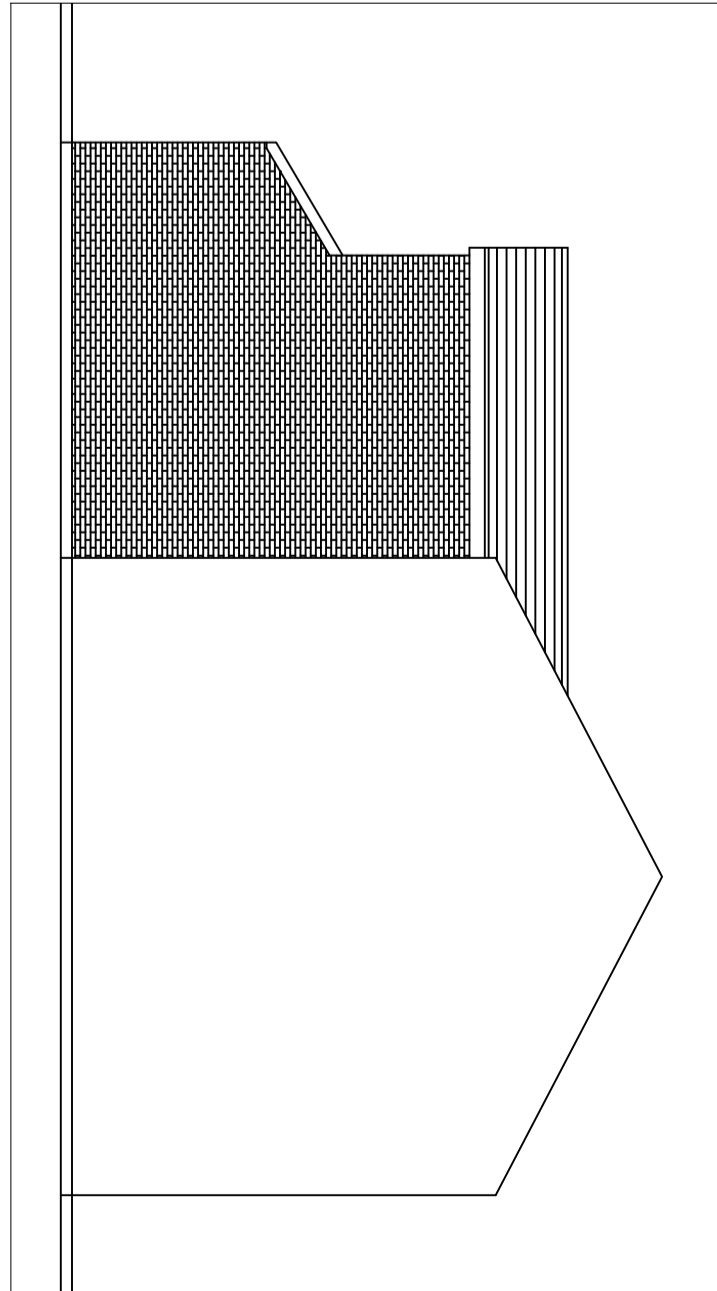
PROPOSED SIDE ELEVATION  
SCALE 1:100



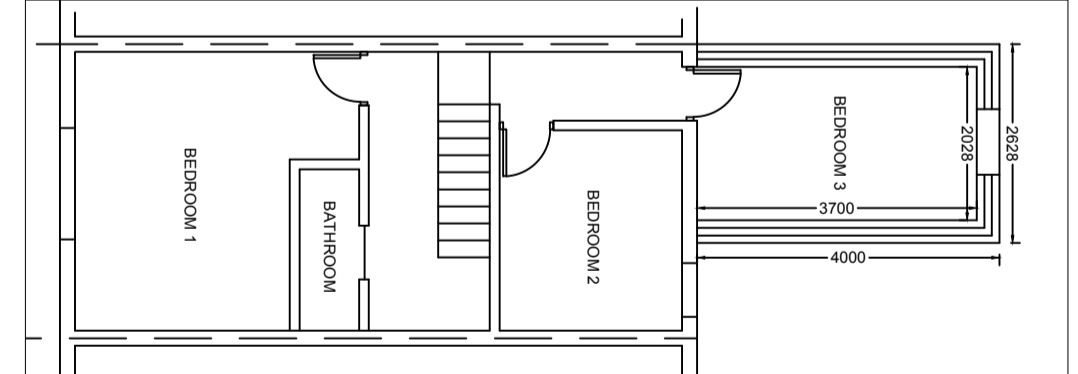
PROPOSED REAR ELEVATION  
SCALE 1:100



PROPOSED SIDE ELEVATION  
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PROPOSED GROUND FLOOR PLAN  
SCALE 1:100



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