
Appeal Decision

Site visit made on 13 September 2016

by B.Hellier BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 September 2016

Appeal Ref: APP/E2340/W/16/3153148

Land to the south of Long Ing Lane, Barnoldswick, Lancashire, BB18 6BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Stirling Investment Properties LLP against the decision of Pendle Borough Council.
 - The application Ref 16/0136/REM, dated 11 March 2016, sought approval of reserved matters pursuant to condition No 1 of outline planning permission Ref 13/14/0100P granted on appeal on 29 December 2014.
 - The application was refused by notice dated 13 June 2016.
 - The development proposed is the erection of 31 dwelling houses.
 - The reserved matters for which approval is sought are: appearance, landscaping, layout and scale.
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Decision

1. The appeal is allowed and the reserved matters submitted pursuant to condition No.1 attached to outline planning permission Ref 13/14/0100P granted on appeal on 29 December 2014, in accordance with the application, Ref 16/0136/REM dated 11 March 2016, are approved subject to the conditions set out in the accompanying Schedule.

Procedural matter

2. The principle of housing development on the site and details of the access has already been established by virtue of the 2014 appeal decision¹. This reserved matters application deals only with details of appearance, landscaping, layout and scale.

Costs

3. An application for costs was made by Stirling Investment Properties LLP against Pendle Borough Council. That application is the subject of a separate Decision.

Main issue

4. I consider the main issue is the effect of the proposed three storey dwellings and the layout of the development on the character and appearance of the surrounding area.

¹ Ref APP/E2340/A/14/2225921 Outline application for residential development. Allowed

Reasons

Planning policy

5. Core Strategy¹(CS) Policy ENV2 generally seeks to achieve good quality in design. Proposals should be legible and contribute to a sense of place and respect local identity. Policy LIV5 requires new housing schemes to be well designed in accordance with the objectives of Policy ENV2. In assessing design quality applicants are strongly encouraged to use the Building for Life² (BfL12) standards.
6. These development plan policies accord with national planning design objectives set out in the National Planning Policy Framework (NPPF). Paragraph 64 of the NPPF says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Character and appearance

7. The appeal site is an overgrown field sloping quite steeply at first up from Long Ing Lane which marks its northern boundary. There is woodland along its southern edge and the site also falls away to the west where there is a small housing estate and waste ground. From Victoria Road to the east a short private road, Moss Side, projects westwards into the field and would be surrounded on three sides by the appeal development. The semi-detached houses in Moss Side overlook the steepest part of the appeal site.
8. The housing layout makes effective use of the site. On Long Ing Lane plots 1-4 would face onto the street and would provide a straightforward entrance to the development. Above and also facing Long Ing Lane plots 5-16 are split level semi-detached houses set into the slope, three storey at the front, two storey at the rear. Their ridge line would be below the eaves of the properties on Moss Side. A third tier of development, plots 17-24, consisting of one semi-detached and two terrace blocks each of three dwellings would extend the line of the Moss Side properties. Plots 25-31 at the top end of the site would not be seen from Long Ing Lane.
9. From Long Ing Lane the new skyline would relate well to that established by the properties in Moss Side. Indeed the development would help to assimilate the rather isolated and intrusive appearance of these existing properties into the surrounding townscape. The tiers of development would sit comfortably with the site contours. In this context three storey split level development is a sensible design response to the landform. A density of 31 dwellings per hectare is higher than that of the Moss Side properties but appropriate for this urban setting. Plots 17-24 would have something of the appearance of a terrace stepping down the hillside but terraced properties are characteristic of the local area. There is no reason in design terms why semi-detached and terraced development should not be juxtaposed so long as the bulk and scale of the two building forms are compatible as is the case here.
10. The estate road gives access to parking/garages serving individual properties. The exception is plot 1 which has an access directly onto Long Ing Lane where

¹ Local Plan for Pendle Part 1: Core Strategy 2011-2030. Adopted December 2015

² Building for Life 12 : Nottingham Trent University/Building for Life Partnership 2015 (an industry standard for well-designed homes and neighbourhoods)

vehicles would have to reverse in or out. However there is no visibility concern, the carriageway is wide and it is a situation that is repeated elsewhere on the road. There is no significant road safety hazard and no objection from the highway authority. Having regard to the change in level behind plot 1 it is a practical and acceptable arrangement.

11. There is a public right of way adjacent to the site linking Victoria Road to the Pendle Way and a canalside footpath. There is access from this path to tracks crossing the appeal site and to tracks through the adjacent woodland. The appeal development would maintain pedestrian access points to the woodland, to the right of way, and a link to the housing to the west¹. I am satisfied that proper provision is made for pedestrian access through the development.
12. The BfL12 standards allow considerable room for judgement. They work on a traffic light scoring system. The appellant assesses all twelve criteria as green. The Council assesses seven as red. Five of these relate to visual and townscape effects which for the reasons set out I consider satisfactory. Refuse disposal is a matter that can be dealt with by condition. All the houses would be three or four bedroom properties. I consider this a satisfactory mix which would contribute positively to overall needs in the borough as a whole for which it is estimated that some 47% of all new housing should be in this category. As a result of the viability evidence submitted at the outline stage there is no requirement to make provision for affordable housing.
13. I am not persuaded that there would be a significant conflict with the BfL12 standards. I also note an appeal decision² on a housing scheme in Colne put before me by the Council was dismissed on appeal in part because of the absence of a design led approach. However in the present appeal I find the building design and layout of the development to be soundly conceived. I conclude that the submitted reserved matters, including the three storey house type and the layout, would not have a material adverse effect on the character and appearance of the surrounding area and that they would accord with CS Policies ENV1, ENV2 and LIV5 and with the design approach of the NPPF.

Other matters

14. A number of representations object to the loss of an informal open space and to highway dangers but these matters are not relevant at this reserved matters stage. There will be an impact on the outlook of occupiers of properties on Moss Side but separation distances from habitable rooms are sufficient to avoid an unreasonable degree of overlooking.

Conditions

15. The Council has suggested a number of conditions. However conditions should relate directly to the reserved matters. Conditions 7 and 9 respectively of the outline permission deal with drainage and the estate road construction standard. Furthermore the most recent layout addresses concerns raised by the highway authority over the allocation of car parking spaces and the plot 1 access details.
16. I agree that implementation timescales and ongoing maintenance arrangements for the landscaping, roads and communal/private parking spaces

¹ Shown on Plan 605/11C

² Appeal Ref APP/E2340/A/13/2195745

should be established in the interests of amenity. For the same reason samples of materials and finishes should be submitted and agreed prior to commencement. Setting window reveals back would be a necessary design requirement. The lack of detail of provision for refuse and recycling collections in the layout is noted above and should be addressed.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

Bern Hellier

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 605/01E (site layout); 605/02A (location plan); 605/03A,04A,05B,06A (house types); 605/7B (sections); 605/11C (footpath network); 605/12D (landscaping); 605/13 (vehicle tracking); 1979/100A, 101A, 102A (highway drainage); 1979/104A (typical highway details); 1979/105A,106A (retaining walls); 1979/110A, 111A (drainage schedules); 1979/112A (finished levels).
- 2) Before development commences samples of the external materials to be used in the construction of the roofs and walls and samples of the colour and finish of windows and doors of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried in the approved colours and materials.
- 3) All approved hard and soft landscaping works shall be carried out prior to occupation of any part of the development or in accordance with a timetable to be agreed in writing by the local planning authority. Any trees or plants that within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.
- 4) Before development commences an Estate Street Phasing and Completion Plan shall be submitted to and approved in writing by the local planning authority. This Plan shall include construction details of the access ways to plots 5-8 and 28-31 and communal parking areas, together with the phasing and timescales of all estate road/access way works and dates for entering into an agreement under section 38 of the Highways Act 1980 and/or the establishment of a private management and maintenance company. The Plan shall be implemented in accordance with the approved details and timescales.
- 5) Before development commences a parking and manoeuvring scheme shall be submitted to and approved in writing by the local planning authority. The approved car parking and manoeuvring areas for each dwelling shall be marked out and surfaced in accordance with the scheme prior to the occupation of that dwelling and shall thereafter remain free from obstruction and available for car parking and manoeuvring purposes.
- 6) All window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 100mm.
- 7) Before development commences details of refuse and recycling storage for each property shall be submitted to and approved in writing by the local planning authority. The approved provision shall be made prior to occupation of any dwelling.