The Planning Inspectorate

# Appeal Decision

Site visit made on 1 November 2016

**by Andrew McGlone BSc MCD MRTPI**

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

**Decision date: 8 November 2016**

**Appeal Ref: APP/T2350/W/16/3154915**
**The Hey Moo, Mellor Brow, Mellor, Blackburn BB2 7EX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mrs Jennifer Wilkinson against Ribble Valley Borough Council.
- The application Ref 3/2016/0260, is dated 10 March 2016.
- The development proposed is a two storey extension and attached garage to the existing dwelling.

## Decision

1. The appeal is allowed and planning permission is granted for a two storey extension and attached garage to the existing dwelling at The Hey Moo, Mellor Brow, Mellor, Blackburn BB2 7EX in accordance with the terms of the application, Ref 3/2016/0260, dated 10 March 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: WI/05b Dwg 02 and WI/05b Dwg 05.

    3) Notwithstanding the submitted details, precise specifications or samples of all external surfaces shall be submitted to and approved by the local planning authority in writing prior to the construction of the development hereby approved above slab level. The approved materials shall be carried out in accordance with the approved sample details.

## Application for costs

2. An application for costs was made by Mrs Jennifer Wilkinson against Ribble Valley Borough Council. This application is the subject of a separate Decision.

## Preliminary Matters

3. This appeal follows the failure of the Council to determine the application within the prescribed time period. Although the Council did not formally issue a decision or publish a report to its website, the Council have provided a report and a subsequent appeal statement which set out their case. The appellant has provided comments relating to both documents. I have had regard to these submissions in reaching my decision.

## Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

*Character and Appearance*

5. The Hey Moo is a two storey detached dwelling constructed from stone and slate with hardwood timber windows. The property forms part of Elswick Farm which contains a series of residential dwellings that have either been converted from a previous agricultural use or re-built. Access to the site is from Mellor Brow along a private access track. The Hey Moo is set back behind an elongated single storey pitched roof dwelling. Open fields extend to the rear of the appeal site and down into a valley. Mellor Brow is lined by a mixture of terraced, detached and semi-detached dwellings which contribute to a varied scale and form in the local area.

6. The proposed garage would be forward of the front elevation of the host property and adjacent to the flank elevation of the neighbouring residential property. Consequently, the garage would not be visible from any public vantage points. Thus it would only have a bearing on the site's immediate character and appearance. Whilst the garage is of a reasonable size, it would be subordinate and considered in terms of scale. A lean to roof would assimilate well with the straightforward and uncomplicated roof planes that characterise the area. As a result, I do not consider the garage's size or design typify a suburban environment. Moreover, I do not consider that the garage would be a prominent or dominate addition that would detrimentally affect the character and appearance of the property or the area.

7. The proposed rear extension would extend across the full width of the dwelling and it would have a much greater depth than the existing dwelling. Accordingly, the size and bulk of the property would greatly increase, resulting in a significant change to the design of the relatively modest dwelling. Although not a heritage asset, the rear extension would alter and dilute the character of the once farm building and due to the scale of the rear extension, an imbalance would be created between old and new. Thus, the rear extension would not be a proportionate addition that sympathetically responds to the character of its host. The effect of the rear extension's scale on the surrounding area would be limited, especially from public vantage points. However, the flank elevation, would nevertheless be noticeable to the occupants of The Glasshouse and in part from distance on Mellor Brow.

8. The double pitched gable roof form would differ from the host dwelling, but it would remain no higher than the current roof form. Thus, the massing of the extension would be masked when viewed from Mellor Brow, save for the flank elevation which would also be noticeable to the occupants of The Glasshouse. However, only a very limited part of the rear extension would contribute to the areas character and appearance due to the dwelling's siting, the location of nearby properties and public vantage points.

9. Windows in both flank elevations would reflect the general irregular placement that characterises the existing property. Larger openings would be to the rear. However they would not influence the character and appearance of the area. I

note and share the Council's concerns regarding the use of UPVC windows rather than timber as per the existing property, but that this could be controlled by a condition.

10. Cumulatively, both extensions would alter the character and appearance of the property. Their effect on the wider area is nevertheless limited and the garage would individually, as I have set out above, be acceptable. Despite my reservations around the scale and design of the rear extension, it is central to the appellant's case that a fallback position exists.

11. The site's planning history, includes two planning permissions of particular relevance. In 2010 permission was granted for a two storey rear extension with second floor accommodation in the roof space together with a front porch extension, all for the benefit of a disabled person.[1] Whilst in 2012 permission was granted to demolish the existing building and erect a replacement dwelling with an annex and change the use of agricultural land to form an extended curtilage.[2] The appellant has provided copies of the approved plans for each.

12. Whilst the Council consider the adoption of the Ribble Valley Core Strategy 2008 – 2028: A Local Plan for Ribble Valley (Core Strategy) represents a shift in the policy context, it is unclear why. In any event, considerations of how a development relates to the character and appearance of its locality are central to the planning system. Notwithstanding the Council's view, I consider the 2010 and 2012 permissions to be relevant material considerations.

13. Even though the 2010 permission may have been for a larger and more prominent extension, this permission has now lapsed. It would be a material consideration if the same proposal was re-submitted, however, given it has lapsed, I shall focus my attention on the more recent planning permission.

14. The Council confirm the 2012 permission was approved on 18th December 2012. The Council do not dispute that development began in early December 2015 following the excavation of a trench which was filled with concrete footings. The Council does not also disagree that the works were inspected by the Council's Building Inspector or that it constituted a material operation in accordance with S56(4)(b) of the Town and Country Planning Act 1990 (as amended). Whilst the 2012 permission has not been built out or advanced beyond the works described, it appears, based on the evidence before me that this permission remains extant and fully capable of being finished.

15. The appeal scheme is an alternative to the 2012 scheme which is said to be much larger than the appellant's current requirements. I have no reason to question this or reason to suppose that there would be no reasonable prospect of it actually being carried out. Given the position of the rear extension and the replacement dwelling only one scheme could be carried out.

16. In comparison, the 2012 scheme would be substantially taller at ridge and eaves height. Also, it would be set further back and away from the former farmstead unlike the appeal scheme. The extended house would not be as wide and the massing of the appeal scheme would be much less. Although the proposed garage would mean the total depth of the extended dwelling would be greater, the overall footprint would be less than the replacement dwelling.

[1] Council Application Ref: 3/2010/0416
[2] Council Application Ref: 3/2012/0715

More importantly, the appeal scheme would still maintain some of the original character and appearance of the building, unlike the replacement dwelling which would be entirely new and notwithstanding its own design merits, not reflect the site's history. On this basis, I consider the appeal scheme would be less harmful than the 2012 scheme. Given my findings regarding the rear extension, I consider this to represent a genuine fallback position that is of a sufficient justification to outweigh my concerns.

17. For these reasons, I conclude that the proposed development would comply with Policies DMG1, DME2 and DMH5 of the Ribble Valley Core Strategy 2008 – 2028: A Local Plan for Ribble Valley and paragraph 17 of the National Planning Policy Framework. These policies, amongst other things, seek to ensure development is of a high standard of design that reflects the local townscape through the use of appropriate scale, massing, materials and form.

*Other Matters*

18. Notably, the parties extended the application's prescribed time period with a view to finding a solution and the Council prepared two alternative schemes. Despite their merit and time taken by the Council, the appellant was entitled to ask for the application to be determined on the basis of their proposal.

19. Although points are made concerning the use of a nearby building and parcel of land, these are outside of the site edged red and are not the subject of this appeal. Also, planning is concerned with land use in the public interest, whereas the impact of the development on the value of the appeal site is a purely private interest.

20. Whilst I understand the site and its surroundings have changed over time and the Parish Council and residents may wish to see a masterplan come forward, I have determined this appeal with regard to the development plan and any relevant material considerations. Any future applications or appeals would also be determined in this manner.

**Conclusion and Conditions**

21. I have regard to the conditions suggested by the Council and the appellant's comments. I have imposed a condition specifying the approved plans as this provides certainty. A condition is necessary relating to material samples to ensure the development harmonises with the site's character and appearance. Conditions relating to the use of the garage and bats are not necessary.

22. Even though the economic benefits of the proposal may not be significant, the proposal would offer employment and expenditure on construction materials, thus contributing to local sustainable economic growth. The proposal would also deliver social benefits in the form of an enhanced dwelling suitable for future generations. In environmental terms, the appeal scheme would be a better alternative than the 2012 scheme, due to its siting and the use of the existing dwelling which would not be demolished.

23. For the reasons set out above, I conclude that the appeal should succeed.

*Andrew McGlone*

INSPECTOR