
Appeal Decision

Site visit made on 19th January 2017

by Jonathan G King BA(Hons) DipTP MRTPI

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

Decision date: 31st January 2017

Appeal Ref: APP/B2355/D/16/3161366

105 Newchurch Road, Rawtenstall, Rossendale BB4 7SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Malcolm & Mrs Maggie Walker against the decision of Rossendale Borough Council.
 - The application Ref 2016/0243, dated 14th June 2016, was refused by notice dated 12th August 2016.
 - The development proposed is a two-storey side extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on:
 - (a) The character and appearance of the host dwelling and the street scene; and
 - (b) The living conditions of neighbouring occupiers.

Procedural matter

3. I visited the site on 19th January, as arranged, but found the property unoccupied. It later emerged that the appellant had notified the Planning Inspectorate that no-one would be at home, but that I would be free to go into the rear garden. Unfortunately, this message was not relayed to me in time. However, I was approached by the occupier of the neighbouring house, No 107 (Mr John Whittaker), who invited me to view the site from his rear garden. This I did, but did not engage in any discussion with him. I am satisfied that I was able to see all that was necessary for me to make a properly informed decision and that no-one has been disadvantaged by these circumstances.

Reasons

Character and Appearance

4. The appeal property is a 2-storey semi-detached house which, together with No 103, comprise a pair situated on the southern side of Newchurch Road. The road rises to the east, so that the neighbouring property (No 107) is situated at a somewhat higher level; and the detached house (No 101) on the other side

- of the pair is lower. Up the slope, the road continues for some distance with a number of pairs of semis and the occasional detached house.
5. No 105 is a stone-built, largely unaltered house dating from the early twentieth century. Between it and the side boundary of No 107 is a double garage with a pitched roof. Although there are some variations in their detailed design, most other houses in this part of the road are similar in age and materials. Many possess newer garages, mainly incorporated into single or 2-storey side extensions that occupy or partly occupy the gaps between the houses and their boundaries. No 107 is one such, with a 2-storey addition including a double garage and its roof incorporated into the main roof of the house.
 6. I do not believe that the proposed extension would be any more out of keeping with the host property than a number of other 2-storey extensions in this stretch of Newchurch Road. Its scale and massing would not be excessive in my judgment. Though not insubstantial in width compared to the host dwelling, it would not be “just short of doubling the width of the existing house” as asserted by the Council. It would not dominate the house, but rather would complement it. It be set back slightly from the existing front elevation and the pitched roof would be a little lower. In my opinion, that would clearly identify it as a subservient element of the building. The detail of the design, including the roof and the windows would be wholly compatible with what is presently there. Although the eaves level would be maintained, the roof as a whole would be noticeably lower than the roof at No 107, owing to the effect of the slope
 7. The perception of space between the buildings along this section of the road is an important element of the character of the locality. Despite the number of 2-storey extensions, the separation between the buildings has been almost wholly maintained, so that a “terracing effect” has been largely avoided. In contrast, if the proposed extension were to be built, there would be barely any gap remaining between it and the extension to No 107. The Council’s Supplementary Planning Guidance *Alterations & Extensions to Residential Properties* (SPG) says that 2-storey side extensions that would produce a terracing effect will not be permitted. In order to prevent this, the Council will require the front elevation above ground floor level to be set back by at least 1.5 metres from the main frontage.
 8. In this case, owing to the particular circumstances of this site, I take the view that any terracing effect would not be substantial. This is principally because the appeal property is set back considerably further from the road than No 107 and the other houses further up the hill. Indeed, the front wall of No 105 is only a little further forward than the rear wall of No 107. Moreover, the effective set-back would be considerably greater than the 1.5 metres advised in the SPG.
 9. Owing to the set-back from No 107, the existing gap is far less prominent than others in the road, particularly when viewed from the east; and though the proposed extension would effectively close it, a clear visual break would remain in the form of the markedly different building line and the difference in height. As the relationship between the house and its neighbour is unique along this stretch of the road, it could not be repeated elsewhere, and so no adverse precedent would be set.

10. I conclude on this issue that the effect of the development on the character and appearance of the host dwelling and on the street scene would be acceptable. It would not breach the provisions of Policies 1, 23 and 24 of the Core Strategy, in particular 24(5), which requires development to be compatible with its surroundings in terms of style, siting, layout, orientation, visual impact, local context and views, scale, massing, height, density, materials and detailing. I appreciate that the Council's SPG was prepared in the context of a now superseded local plan, but I consider that its guidance is still broadly compatible with present policies. Insofar as it is still relevant to my decision, I am satisfied with respect to my first issue that its objectives would not be materially breached.

Living conditions

11. The set-back of No 105 from No 107 does, however, have another effect. It means that the proposed extension would project significantly beyond the rear elevation of No 107, in close proximity to the common boundary and to the house itself. The SPG includes various references to the use of the "45 degree rule" in determining whether extensions may be considered acceptable by reference to their relationship to neighbouring dwellings. Though that document must be accorded limited weight in view of its relationship to a superseded plan, nonetheless its intention to prevent harm to the living conditions of neighbouring occupiers by reason of overbearing impact, and undue loss of light and outlook, remains valid. In that context I regard the approach as being a helpful rule of thumb rather than anything more prescriptive.
12. Outlook from the ground floor windows of No 107 is, to a limited extent, already impeded by the present single-storey garage, though this would most likely be aggravated by the proposed extension. Upstairs, the extension would also impact on oblique outlook from a bedroom. It is also possible that the amount of light reaching some rear-facing rooms might be reduced marginally towards the end of the day. But, irrespective of the competing arguments put forward by the main parties concerning compliance with the 45 degree rule, I do not believe that the effect on the quality of the outlook or on light would be so severe as to justify withholding permission on those grounds alone.
13. However, while taking account of the fact that, owing to the difference in levels between the properties, the flank wall of the proposed extension would not be perceived as being of full 2-storey height when viewed from No 107, I agree with the Council that it would visually dominate the rear of that property and especially the patio immediately behind it. It would, in my view, be oppressive and create an uncomfortable sense of enclosure to the rear of the house quite separately from any effect on outlook. For that reason, I conclude that the proposed extension would have an unacceptable effect on the living conditions of the neighbouring occupiers. I have reached this conclusion even though the neighbours have not raised any objection to the proposal.
14. None of the Core Strategy policies referenced in the Decision Notice specifically identify overbearing impact amongst their criteria of acceptability. However, Policy 24(5) generally requires development to be compatible in terms of siting, visual impact, local context, massing and height, all of which play a part in this case in determining whether harm may be caused to residential amenity. Moreover, as part of its underlying drive to promote sustainable

development, the National Planning Policy Framework says that a good standard of amenity should always be sought for all existing and future occupants of land and buildings. The present proposal fails to meet that core planning principle.

15. I am not aware that in the planning balance there are any significant benefits that would outweigh the harm I have identified. Therefore, notwithstanding my positive conclusion with respect to my first issue, I conclude overall that the proposed extension is unacceptable for the reasons I have identified. Consequently, the appeal fails.

Jonathan G King

Inspector