
Appeal Decision

Site visit made on 28 March 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 19th April 2017

Appeal Ref: APP/B2355/D/16/3164856

20 Ormerod Street, Rawtenstall, Rossendale, BB4 8EB

- 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 Abdul Saad against the decision of Rossendale Borough Council.
 - The application Ref 2016/0405, dated 29 August 2016, was refused by notice dated 26 October 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are, firstly, whether the development would preserve or enhance the character or appearance of the Rawtenstall Conservation Area and, secondly, the effect of the development on the living conditions of No 22 Ormerod Street with regard to loss of outlook and natural light.

Reasons

Conservation Area

3. The appeal property is located within the Rawtenstall Conservation Area, which encompasses the historic core of the town. Rawtenstall developed as a centre for the textile industry in the 19th and early 20th centuries. The Conservation Area comprises mainly 19th century commercial, institutional, and industrial buildings with areas of former mill workers' terraced housing located around the edges of the town. Ormerod Street is identified in the Conservation Area Appraisal as one of the remaining historic streets in this part of the town centre. The appeal property itself is identified as a 'positive unlisted building of high quality'.
 4. The proposed rear extension would be visible from the cul-de-sac that runs behind the terrace. Several properties in the terrace already have single storey flat roof extensions including both of the adjacent properties. However, the appeal development would protrude significantly beyond these extensions and would appear dominant and overly large by comparison. This would be exacerbated by the simple flat roof design. Whilst there is a rear extension further along the terrace that is also around 5 metres in length, that has a different design and it is not directly comparable to the appeal proposal. In
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any case, the Council state that they have no record of this being granted planning permission. Whilst the appeal property already has consent for an extension of 3 metres in length, that would be more in keeping with the adjacent properties in my view.

5. Whilst the extension would be relatively secluded, it would significantly alter the appearance of a building identified as contributing positively to the conservation area. The fact that the extension would not affect the setting of any nearby listed building does not alter my view in this regard.
6. For the above reasons, I conclude that the development would fail to preserve the character and appearance of the conservation area. In this regard, the appellant acknowledges that the development would result in less than substantial harm when considered against paragraphs 132 – 134 of the National Planning Policy Framework ('the Framework'). Set against this, the development would provide an additional bathroom and lead to investment in the property. However, these would be largely private rather than public benefits, which would not outweigh the harm to the conservation area in my view. In this regard, there is no evidence before me that the future maintenance of the property is contingent on the development proceeding, and it appears to be well maintained at present.
7. I conclude that the development would be contrary to Policies 1, 16, 23, and 24 of the Rossendale Core Strategy (2011). These policies seek, amongst other things, to ensure that new development preserves the historic environment and complements the surrounding area. It would also be at odds with guidance in the Framework relating to designated heritage assets.

Living conditions

8. The proposed extension would be 5 metres in length and would be located on the boundary with No 22. This would be in close proximity to a large rear facing window to No 22 at ground floor level.
9. The Council adopted its 'Alterations and Extensions to Residential Properties' Supplementary Planning Document (SPD) in 2008. The SPD states that where an extension would be within 1m of the boundary with an adjacent property, it should not normally project more than 3 metres beyond the rear wall. In this case the extension would significantly exceed this guidance. It would also be located next to a rear window in No 22 which appears to serve a habitable room. This window already has an existing extension located immediately to the south west. The appeal extension would create a tunnel effect that would significantly reduce the outlook from, and natural light to, this window. The increased length of the extension would significantly exacerbate this effect. Whilst the appellant states that this room is served by another window in the extension to No 22, that window appears to serve a different space within the property.
10. The fact that no objections were received to the original planning application does not alter the planning merits of the case. In addition, whilst certain permitted rights would apply if the appeal property were located outside of a conservation area, that is not the case here.

11. It is common ground that the development would not significantly harm the living conditions of No 18 Ormerod Street. However, that does not alter my view with regards to the effect of the development on No 22.
12. For the above reasons, I conclude that the development would unacceptably harm the living conditions of No 22 Ormerod Street with regard to loss of outlook and natural light. It would therefore be contrary to Policy 24 of the Rossendale Core Strategy (2011), and guidance contained in the Alterations and Extensions to Residential Properties SPD (2008).

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR