

Appeal Decision

Site visit made on 21 March 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 24th April 2017

Appeal Ref: APP/E2340/D/17/3167299

Higher Laith Farm, Barley Lane, Barley BB9 6LF

- 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 and Mrs Clemson against the decision of Pendle Borough Council.
 - The application Ref: 16/0606/HHO, dated 12 September 2016, was refused by notice dated 7 November 2016.
 - The development proposed is alterations to the existing house including a first floor rear extension and associated alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the building; and
 - The effect of the proposed development on the landscape character of the Forest of Bowland Area of Outstanding Natural Beauty.

Reasons

Character and appearance of the building

3. The appeal building is a two storey, stone built, farm house with an asymmetric roof that is lower at the rear of the house and is finished in stone slabs. It has a projecting rear element, and a small, pitched roof, single storey extension has been added to the west elevation. The proposed extension is large pitched roof addition, built up from the rear wall of the existing lower ground floor element to form a gable, with the ridge at right angles to main roof. The appeal building is attached to a longer, slightly lower property that has been converted from a barn.
 4. Both the appeal building and the attached building have asymmetric roof pitches typical of rural buildings. The asymmetry is reversed on the two buildings which gives the built form of the combined building a distinctive appearance. The new rear wall and larger area of roof that would result from the proposed extension would substantially alter the original architectural
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character of the building and the large, offset, picture window with a pointed head that is proposed in the rear elevation would be inconsistent with the smaller windows on the existing house and the adjoining building. As such the extension would significantly alter the built form, massing and appearance of the original house.

5. Policy ENV2 of the Local Plan for Pendle Core Strategy 2015 (Core Strategy) which seeks a high standard of design that makes a positive contribution to local identity and character, and which contributes to the sense of place. Whilst the existing house is neither listed, nor within a conservation area, it retains much of its original character as a traditional farm house.
6. Due to the form of the new roof and its intersection with the main roof; the wide rear gable that would be formed; and the window details that are inconsistent with the original house and the adjoining converted barn, I consider that this would be harmful to the character and appearance of the existing house and would not contribute to the sense of place. In this respect it would be contrary to the requirements of Core Strategy Policy ENV2.
7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. The appellant has suggested that there is a fallback position whereby an essentially similar extension, projecting 3 metres as opposed to the 3.4 metres proposed by the appeal scheme, could be constructed using permitted development rights granted by the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). A legitimate fallback position that has a reasonable prospect of being implemented would be a material consideration.
8. The suggested fallback position would project only marginally less than the extension proposed by the appeal proposal. The appellant has identified certain limitations that apply to permitted development rights within an AONB under Part 1, Class A of Schedule 2 to the GPDO. However, in order to be permitted development, a proposal must meet all the limitations and conditions under each Class relevant to the proposal.
9. Although described as a rear extension, the proposal also involves a change to the roof of the appeal building. Alterations to the roof of a house are not permitted development under Part 1, Class A but are covered by Part 1, Classes B and C of the GPDO. Class B permitted development rights for alterations to the roof of a dwelling house do not apply to Article 2(3) land, which includes Areas of Outstanding Natural Beauty, and Class C is not relevant to this proposal. The potential, essentially similar, extension suggested by the appellant would, therefore, not be permitted development and as a result would not represent a fallback position or a material consideration that would justify making a decision contrary to the requirements of the development plan.
10. I therefore find that the proposed development would cause harm to the character and appearance of the building. It would not comply with the relevant requirements of Policy ENV2 of the Core Strategy which seeks to ensure that new development is of a high standard of design that makes a positive contribution to local identity and character, and contributes to the sense of place. It would also be inconsistent with the guidance in the National

Planning Policy Framework (the Framework) which seeks a high standard of design in all new development.

Effect on the landscape of the Area of Outstanding Natural Beauty

11. The appeal site is located in the countryside and within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The surrounding landscape is largely open upland moor to the north and west of appeal site, and grazed land to the south and east. Within the landscape are scattered buildings or groups of buildings and the field enclosures are formed of drystone walls or low post and wire fences. The landform generally rises to the rear of the appeal building and falls away at the front. Paragraph 115 of the Framework requires that great weight should be given to conserving the landscape and scenic beauty within an AONB.
12. The appeal building and the building adjoining it are situated at the end of a private access road that serves a small number of houses. A public right of way footpath runs along this road and past the appeal site. A further public right of way runs near the appeal building from north-west to south-east. Whilst the proposed extension would be viewed from the footpath when travelling east, due to the local topography it would only be visible in short range views. There would be some longer range views from the footpath to the north, however, these would be at an oblique angle and from a higher elevation, which would reduce the prominence of the extension until the viewer was relatively close to it. The extension would not be readily visible in views from the footpaths to the east and south east.
13. Whilst changes to the size and massing of buildings will inevitably have an effect on the surrounding landscape, the question is whether that effect would be harmful. The proposal is an extension to an existing building, which would use matching materials and the magnitude of the effect would be much less than that of a new building. As a consequence, the overall effect on the landscape would be slight and, due to the topography surrounding the appeal building and the limited public viewpoints of the extension, the effect would be restricted to the immediate vicinity of the appeal building. This slight, and localised, effect would result in only a very limited change to the character of the landscape in this part of the AONB and would not, of itself, constitute harm to the extent that the proposal would conflict with Policy ENV1 of the Core Strategy.
14. I therefore conclude that the proposed development would not cause harm to the landscape character of the Forest of Bowland AONB. It would comply with the relevant requirements of Policy ENV1 of the Core Strategy which seeks to ensure that the landscape and scenic beauty of the AONB is conserved.

Conclusion

15. Although I have found that the proposal would not cause harm to the landscape character and scenic beauty of the Forest of Bowland Area of Outstanding Natural Beauty, I have found that the extension would be harmful to the character and appearance of the host building. I consider that this is an important matter and is, on its own, sufficient grounds to refuse planning permission notwithstanding compliance with other policies as set out above.

16. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR