
Appeal Decision

Site visit made on 25 April 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 4th May 2017

Appeal Ref: APP/E2340/D/17/3166732
160 Barrowfield Road, Colne, BB8 9QR

- 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 Andrew Watson against the decision of Pendle Borough Council.
 - The application Ref 16/0700/HHO, dated 13 October 2016, was refused by notice dated 8 December 2016.
 - The development proposed is new single storey extension to rear of property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ("the Framework") and development plan policy;
 - (b) The effect of the proposal on the openness of the Green Belt;
 - (c) The effect of the development on the living conditions of No 158 Barrowfield Road with regard to loss of outlook, and;
 - (d) If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development in Green Belt

3. The appeal site comprises a semi-detached property that has recently been extended to the side. The development proposes a further single storey rear extension in close proximity to the boundary with No 158.
 4. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions. One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
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5. The appeal property has already been significantly extended under a previous permission (ref 13/05/0046P). In combination with the side extension, the proposed extension would increase the volume of the property by around 70% (according to the Planning Officers Report). This figure has not been disputed by the appellant. This would be a very significant increase compared to the original building. In my view, an increase of this size would represent a disproportionate addition to the original dwelling.
6. Accordingly, I conclude that the proposal would be inappropriate development in the Green Belt, which paragraph 87 of the Framework states is harmful by definition and should not be approved except in very special circumstances. The proposal would also be contrary to Policy ENV 1 of the Pendle Core Strategy (Part 1 Local Plan) (2015) which seeks, amongst other things, to maintain the openness of the Green Belt.

Openness

7. The extension would be located on land that currently does not contain a building. The introduction of a new extension with a significant built footprint and volume would clearly reduce the openness of this part of the Green Belt. Whilst the extension would not be visible from the road or other public vantage points, it would be clearly visible from neighbouring gardens and from land to the rear. The Framework advises at paragraph 79 that openness is an essential characteristic of Green Belts, and the appeal proposal would therefore cause harm in this regard.
8. I conclude that the appeal proposal would fail to preserve the openness of the Green Belt. This would further harm the objectives of the Green Belt to which the Government attaches significant importance.

Living conditions

9. The extension would be located near to the boundary with No 158 Barrowfield Road. That property has a ground floor dining room window that would be in close proximity to the proposed extension.
10. The Dining room to No 158 currently has a relatively open aspect to the rear. Whilst there is an existing timber fence along the boundary, this is significantly lower than the proposed extension. The Council's Design Principles Supplementary Planning Document (SPD) provides local guidance in relation to domestic extensions. This states that a rear extension of more than 4 metres in length will not normally be permitted if it breaches a 45 degree line from a neighbouring habitable room window, as measured from the centre of that window. In this case however, the extension would significantly breach the 45 degree line. In doing so, it would unacceptably harm the outlook from the dining room window. It would also reduce natural light to this room, and would be an overbearing presence along the boundary.
11. My attention has been drawn to a number of recent consents granted by the Council. However, these were granted under permitted development rights, whereas the appeal proposal was subject to a full planning application. In any case, I have come to my own view on this matter, rather than relying on the approach the Council may have taken elsewhere.
12. For the above reasons, I conclude that the development would unacceptably harm the living conditions of No 158 Barrowfield Road with regard to loss of

outlook. It would therefore be contrary to Policy ENV 2 of the Pendle Core Strategy (Part 1 Local Plan) (2015), and guidance contained in the Design Principles SPD (2009). This policy and guidance seek, amongst other things, to ensure that householder developments do not have an unduly adverse impact on amenity.

Other considerations

13. The extension would provide additional living space for the occupants of the property. However, this would be solely a private benefit.
14. Whilst the development would have limited visibility from public vantage points, it would still have a negative effect on the openness of the Green Belt, as set out above.

Conclusion

15. I conclude that the other considerations in this case do not clearly outweigh the harm to the Green Belt, and the harm to the living conditions of No 158 Barrowfield Road. Consequently, the very special circumstances necessary to justify the development do not exist. The development would therefore be contrary to Policy ENV 1 of the Pendle Core Strategy (Part 1 Local Plan) (2015), and guidance contained in the Framework.
16. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR