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## Appeal Decision

Site visit made on 16 May 2017

**by Darren Hendley BA(Hons) MA MRTPI**

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

**Decision date: 2 June 2017**

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**Appeal Ref: APP/R2330/D/17/3169813**

**7 Newton Drive, Baxenden, Accrington BB5 2JT**

- 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 Majed Hussain against the decision of Hyndburn Borough Council.
  - The application Ref 11/16/0407, dated 11 October 2016, was refused by notice dated 12 January 2017.
  - The development proposed is the demolition of single storey extension, double storey extension to rear including configuration of new roof and alterations to front elevation.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council have advised that the response of the Conservation Officer that is contained within the Planning Officer's Delegated Report was copied in from a previous planning application on the appeal site. I do not thus attach weight to the response in relation to considering the merits of the appeal proposal.

### Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the building and the area, and the effect on the setting of Christ Church Conservation Area.

### Reasons

#### *Character and Appearance*

4. The appeal property comprises a detached house set on a large plot that has been extended by way of a rear conservatory and a single storey extension. The front elevation, whilst simple in form, presents a pleasing appearance when viewed from Newton Drive. The appeal property forms one of a number of individually designed period properties that are sited on the same side of Newton Drive.
  5. Opposite these properties are the grounds of the Haworth Park and Art Gallery, the boundary of which borders Newton Drive with an attractive stone wall, and mature vegetation behind. Directly opposite the appeal property, a small housing site is under construction, set behind the stone wall.
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6. The proposal comprises significant alterations to the existing house. The original footprint of the house would be near doubled, with expansive side elevation walls formed. The front roof plane would become noticeably shallower in angle to accommodate the increased footprint, whilst also increasing the height of the roof pitch. The front elevation of the property would also become more complicated in form, with the arrangement of bay windows, doorway entrance and other windows, with associated detailing. The current simple form of the property, which significantly contributes to its character and appearance, would be lost to a larger and more complicated property in design and detailing.
7. The character and appearance of the properties on Newton Drive are derived from their individual design. The contribution from the appeal property to this character and appearance is its simple form. The proposed design of the appeal proposal does incorporate elements that are found on the front elevations of other properties on Newton Drive, such the central doorway feature with detailing around, and stone cills and lintels around the windows. It also proposes a house on a grander scale, similar to other houses on Newton Drive. However, this results in the loss of its own contribution to the character and appearance to the area.
8. I note the Appellant's comments that it would not be obvious, on completion of the proposal, that the house had been effectively remodelled. However, I do not consider this would compensate for the loss of its current simple form or its contribution to the character and appearance of the area.
9. I also note the Appellant's comments about the potential impact that extensions, as opposed to remodelling, could have on the existing house, and that the appeal proposal would be more harmonious than an expired planning permission from 2005. However, I have determined the appeal on the proposal before me.
10. I do accept that the removal of the current rear extension and conservatory would be of some benefit the character and appearance of the house, although I only attach limited weight to their removal because the structures are on the rear of the property and are near entirely screened from effects on the area by the existing house.
11. I conclude that the proposal would unduly harm the character and appearance of the building and the area. As such, it would not comply with Policy Env6 of the Hyndburn Borough Council Local Development Framework The Core Strategy (2012) (Core Strategy) which requires development to conserve and enhance the character and quality of the environment through high quality design, and maintain and enhance local distinctiveness.
12. The Hyndburn Householder Design Guide Supplementary Planning Document (2009) (SPD), like Policy Env6, does not require the proposal to be subservient to the original house. The need however for the proposal to be proportionate is borne out with the effects on the character and appearance of the house. SPD Design Guidance 1 also requires the proposals to relate well to the original house and local streetscene in terms of design. The significant alterations that are proposed would also not comply with this guidance in the SPD.
13. Although paragraph 60 of the National Planning Policy Framework (the Framework) states that planning decisions should not seek to impose

unsubstantiated requirements to conform to certain styles, it also states that it is proper to seek and reinforce local distinctiveness. In this regard, the Framework does not differentiate whether a site lies in a statutory designation, or not. The loss of the appeal property's contribution to the distinctiveness of the house and the properties on Newton Drive means it would not comply with paragraph 60 of the Framework. Similarly, it would not comply with paragraph 17 of the Framework, which concerns the core planning principles that should underpin decision making, because it would not secure high quality design.

#### *Setting of the Conservation Area*

14. The appeal property lies in close proximity to the boundary of the Conservation Area, which runs down the centre of Newton Drive. Whilst the house is set back, as the front garden area is open and the house is set at a slightly higher level, the appeal property clearly forms part of the surroundings of the Conservation Area.
15. The stone wall and mature vegetation form an important contribution to the significance of the Conservation Area, and a number of properties on Newton Drive have incorporated a stone front wall in varying forms, including the appeal property. However, it is the individual period design of the properties which contributes, in particular, towards the significance of the setting of the Conservation Area. I consider the loss of the individual simple design of the appeal property would mean its contribution to this significance would be lost.
16. I do not consider that the houses which are under construction create an entirely new character and appearance to this part of the Conservation Area. The circumstances by which they were granted planning permission are not before me. I do note the houses are being constructed on lower land levels behind the wall and appear to retain a proportion of the mature vegetation. They do not appear overly prominent in the Conservation Area, and they do not alter the contribution of the appeal property itself to the significance of the setting of the Conservation Area.
17. For these reasons, I conclude that the proposal would unduly harm the setting of the Conservation Area. As such, it would not comply with Policy Env6 of the Core Strategy which requires development to conserve and enhance the character and quality of the environment, through the protection of heritage assets.
18. For the purposes of paragraphs 132 to 134 of the Framework, the proposal would lead to less than substantial harm to the significance of the designated heritage asset. The benefits which arise from the proposal concern the provision of a more comfortable family dwelling, which relates to the Appellant rather than having wider public benefits. Whilst the removal of the current rear extension and conservatory may be a benefit, as I have set out, I have attached limited weight to their removal. I do not consider the public benefits would outweigh the harm I have identified.

#### **Other matters**

19. I note the Appellant considers that the existing house could be demolished under the 'prior approval' notification procedures and a replacement dwelling built in line with the appeal proposals. However, in the absence of either prior

approval for the building's demolition or planning permission for its replacement I can attach very little weight to this as a fallback position.

20. Both the proposal and the house at No 5 are well set off from their common boundary, and the orientation of the appeal proposal would be broadly north-west of No 5. The side elevation of the appeal scheme would face the side of No 5, which includes a ground floor window. However, the degree of separation between the appeal scheme and No 5, along with the relative orientation of the two buildings, would be sufficient to prevent an undue loss of light in the room concerned. The proposed windows and 'juliet' balconies on the rear elevation of the proposal would be orientated over the appeal property's rear garden. As such, overlooking of No 5's rear garden would not be unreasonable due to the angles involved. I am thus satisfied that the effect on the living conditions of the occupiers of No 5 would be acceptable.

### **Conclusion**

21. I have considered all the other matters raised, but none change my overall conclusion that the appeal should be dismissed.

*Darren Hendley*

INSPECTOR