

Appeal Decision

Site visit made on 25 August 2017

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

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

Decision date: 07 September 2017

Appeal Ref: APP/B2355/D/17/3178521

2 Lancaster Avenue, Haslingden, Rossendale BB4 4HP

- 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 Mrs Tracey Mawdsley against the decision of Rossendale Borough Council.
 - The application Ref 2017/0199, dated 17 April 2017, was refused by notice dated 19 June 2017.
 - The development proposed is demolition of existing single storey lean-to and construction of two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing single storey lean-to and construction of two storey side extension at 2 Lancaster Avenue, Haslingden, Rossendale BB4 4HP in accordance with the terms of the application, Ref 2017/0199, dated 17 April 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - *1:1250 Location Plan*
 - *Drawing No: LA-11-06-17-B.*

Main Issue

2. I consider that the main issue is the effect of the proposed two storey extension on the living conditions of the occupiers of No 11 Rutland Walk.

Reasons

3. The appeal site is a semi-detached house that fronts Lancaster Avenue. It is attached to No 11 Rutland Walk which overlooks an area of open grassland.
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No 2 Lancaster Avenue already projects beyond the front wall of No 11 Rutland Walk and so added to this the two storey extension would extend further out beyond the front elevation of its attached neighbour.

4. Core Strategy policies 1, 23 and 24 are referred to in the Council's decision notice¹. Policy 1 is a general policy and Policy 23 relates to design. Policy 24 sets out a set of criteria for considering a planning application including the protection of residential amenity. The Council's SPD² sets out specific guidance for alterations and extensions to residential properties. In particular it explains the '45 degree rule' in terms of protecting neighbouring properties right to daylight and sunlight by avoiding unacceptable levels of overshadowing.
5. In this case No 11 Rutland Walk faces south-east with an open aspect across a grassed area. Due to this orientation any loss of sunlight or daylight would be minimal and given such an open aspect, I do not consider that the proposed extension would be unacceptably overbearing. I do not therefore consider that the proposal conflicts with policies 1, 23 or 24 or the SPD.
6. The Council has suggested a condition requiring the materials of construction to match the existing dwelling. This is reasonable and necessary to ensure a satisfactory appearance and would be in accordance with the Planning Practice Guidance³. Also otherwise as set out in this decision and conditions it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I shall impose a condition accordingly.
7. I have considered all other matters raised including those raised by Lancashire County Council's Highways Department. I have also taken into consideration the National Planning Policy Framework⁴. Neither these nor any other matter raised alter my conclusion. I conclude that the proposal would not conflict with the Council's policies or SPD and therefore the appeal succeeds.

J D Clark

INSPECTOR

¹ Rossendale Borough Council Core Strategy Development Plan *The Way Forward (2011-2026)*, Adopted 8 November 2011.

² Rossendale Borough Council Alterations and Extensions to Residential Properties *A Supplementary Planning Document (SPD)* June 2008.

³ Planning Practice Guidance, 6 March 2014.

⁴ Department for Communities and Local Government National Planning Policy Framework, March 2012.
