The Planning Inspectorate

Appeal Decision

Site visit made on 16 July 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/T2350/W/19/3228826
Seven Acre Bungalow, Forty Acre Lane, Longridge PR3 2TY

- 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 & Mrs Ball against the decision of Ribble Valley Borough Council.
- The application Ref 3/2019/0057, dated 14 January 2019, was refused by notice dated 2 April 2019.
- The development proposed is the conversion of the existing bungalow into a double garage and store and the creation of a replacement two storey dwelling.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ribble Valley Borough Council against Mr & Mrs Ball. This application is the subject of a separate Decision.

Procedural Matter

3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development also comprises an extension of residential curtilage. The Council dealt with the proposal on this basis and so shall I.

Main Issues

4. The main issues are:

    - the effect of the proposal on the character and appearance of the area; and
    - The effect of the proposal on the living conditions of the occupants of Rock House with particular regard to privacy and overshadowing of the garden.

Reasons

Character and Appearance

5. The appeal site contains a modest sized bungalow and a detached dormer annex. The existing bungalow was formerly an annex however, it has lost its original function and connection to its historical host property. The existing

garden curtilage at the appeal site merges into a field, which is also in the appellants' ownership, allowing open panoramic views.

6. The 2 buildings within the appeal site are positioned adjacent to and accessed past a much larger, modern property. The garden associated with another neighbouring property, Rock House, also borders the site and is positioned on a lower ground level. The group of buildings in and adjacent to the appeal site lie within open countryside. This area is characterised predominantly by agricultural land uses and the change in topography as it rises from Longridge. The character of the area is also influenced by the settlement of Longridge and other rural built development such as caravan parks, reservoirs and golf courses.

7. The site lies outside any settlement boundary defined by the Local Plan and therefore for the purposes of planning policy is in the countryside. Policy DMH3 Dwellings in the Open Countryside and AONB of the Ribble Valley Borough Council Core Strategy 2008-2028 (CS) adopted December 2014 states that the replacement of an existing dwelling in the countryside will be permitted subject to three criteria. The first of these requires that the property is not abandoned and thus this criterion is met. The second requires that there be no adverse impact on the landscape. The third requires that there be no need to extend an existing curtilage. Having considered this and other CS policies brought to my attention I am satisfied that they are consistent with the principles of sustainable development within the Framework.

8. The existing dwelling is a small building and its size reflects its previous use as an annex. By contrast the proposed dwelling would be a large 2 storey house with the existing bungalow retained and converted to a garage and store. On the ground floor the house would have an entrance hall, living room, study, a large kitchen/dining room, utility, wc and plant room. The first floor would have a lounge, 4 bedrooms, including one with an en-suite and dressing room, and a bathroom. The replacement dwelling and garage/store would have a substantial footprint. On the basis of both its dimensions and the amount of accommodation, there can be no doubt that the proposal would represent a significant enlargement over and above the existing dwelling.

9. The proposed dwelling would be positioned on land that falls away from the existing bungalow. However, the additional height and bulk of the proposed dwelling would still have a greater visual impact than the existing modest bungalow. The proposals would be seen from small sections of Forty Acre Lane, public footpaths in close proximity to the site and to a lesser degree more distant views from the lower ground toward Longridge Road. Views of the proposed dwelling would mostly be seen in combination with the neighbouring large modern house. I understand that this was a replacement dwelling however I do not have the full details of this scheme such as what building was replaced and so I cannot be certain that the circumstances are the same.

10. I saw during my site visit that the area intended for the proposed dwelling has been informally used as garden land, it appears maintained and contains some domestic features. However, there is no substantive evidence to suggest that this is lawful, and the appellants acknowledge that the proposals do seek to extend the garden curtilage.

11. The design of the house makes use of the views out towards the open countryside at the back and the remaining field. However, the proposed garden

curtilage would comprise of a small paved area around the replacement property. In my view this small garden space would not be commensurate with the scale of the dwelling and would lead to pressure to extend the garden further into the adjoining large field.

12. I have had regard to the appeal decision (ref APP/T2350/W/16/3156329) which allowed the existing annex to be built within the site. As this annex was not a replacement dwelling it would not have been assessed against the criteria laid out in Policy DMH3 of the CS which is relevant to the current proposals. Nevertheless, although that building does not necessarily appear subservient to the bungalow, it is still a relatively small building overall and is positioned in between the existing bungalow and the large modern neighbouring property. As such either individually or cumulatively the relationship with the surrounding built form and countryside is distinct from the current proposals.

13. The combination of factors outlined leads me to conclude that the additional height and bulk of the proposed dwelling alongside the existing buildings, when combined with the extension of the garden curtilage and future pressures would result in an erosion of the countryside. The cumulative effects of which would be to the detriment of the character and appearance of the area. The proposal would therefore fail to comply with the requirements of Policy DMH3 of the CS and the Framework which broadly seek to protect the countryside and deliver sustainable patterns of development.

Living Conditions

14. Rock House is positioned on a lower ground level to the appeal site and the common boundary comprises of a combination of walling, shrubs and trees. These features intermittently serve to limit views from the appeal site into the garden of Rock House however there are areas where clear views are obtainable. The neighbouring property has a large garden to its front, side and rear and the part facing toward the appeal site includes a paved external seating area, planting and lawn.

15. The introduction of the proposed dwelling would see a dominant built form from the neighbouring garden. Even though this would be set back further than the existing bungalow is, the introduction of a 2 storey dwelling in this location on the higher ground level would lead to an increased level of overlooking from upper floor windows. There is some mitigation from the existing vegetation which will limit the extent of overlooking and some of the windows would serve a bathroom and wc so would realistically be obscure glazed. However, due to the scale of the proposed dwelling and change in ground level from the appeal site to the garden of Rock House the proposals would result in an increased level of overlooking particularly from upper floor windows. This would lead to an adverse impact on the use and enjoyment of the garden by the occupiers of the neighbouring property.

16. With regards to overshadowing, due to the position of the proposals with the garden of Rock House any potential overshadowing is likely to be confined to the latter parts of the day when the sun is at its lowest. Rock House has a large garden and it contains several tall trees which would result in varying degrees of shadowing already. There is no substantive evidence to quantify the level, if any, of shadowing effects from the proposed dwelling. However due to the orientation, the set back from the common boundary and the existing vegetation any shading is not likely to be substantial overall. It would not

therefore result in a significant adverse effect on the use and enjoyment of the garden of Rock House.

17. I therefore conclude, based on my findings on privacy, that the proposed dwelling would harm the living conditions of the occupiers of the neighbouring property. It would therefore fail to comply with the requirements of Policy DMG1 General Considerations of the CS and the Framework which amongst other things seek to secure a good standard of living conditions for existing and future residents.

Conclusion

18. Whilst I have found no significant adverse effects from overshadowing as a result of the proposal, I have found that it would result in a loss of privacy within the garden of the neighbouring property. Furthermore, the proposal in combination with the extension of the garden curtilage would have an adverse impact on the character and appearance of the area. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. For these reasons, and having had regard to all matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR