



Appeal Decision

Site visit made on 28 October 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2019

Appeal Ref: APP/B2355/D/19/3235246

1 Rosewood Avenue, Haslingden, Rossendale BB4 5NG

- 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 Dilshad Ali against the decision of Rossendale Borough Council.
 - The application Ref 2019/0223, dated 22 May 2019, was refused by notice dated 1 July 2019.
 - The development proposed is 2 storey extension to the rear for the addition of a large kitchen and master bedroom, and a 2 storey side extension to host a garage and 2 ensuite bedrooms, with a new porch to be added to the front of the house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. When on my site visit, I observed what appeared to be a ground floor rear extension that was under construction and partially completed. This extension appeared to be set back slightly from the shared boundary with 30 Birch Avenue. Notwithstanding this partially constructed rear extension being in place, I have considered the appeal based on the plans submitted to and considered by the Council, which form the basis of the scheme that is before me. This is in the interests of impartiality and fairness in accordance with the principles of natural justice.

Main Issues

3. The main issues in this case are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupiers of 3 Rosewood Avenue and 30 Birch Avenue, with particular reference to loss of privacy, loss of outlook and loss of light.

Reasons

Character and Appearance

4. The appeal property is a two-storey semi-detached dwelling situated within a predominately residential area with a suburban setting. The surrounding properties largely comprise two storey semi-detached dwellings of a similar

- design to that of the appeal property, which is on a corner plot and set at an angle of approximately 45 degrees to the adjacent dwellings to the north.
5. The proposed development comprises a two-storey extension to the side and a two-storey extension to the rear of the appeal property in addition to a new front porch. The proposed extensions would be of a similar design to the host property and use similar materials. However, the ridge height of the proposed side extension would be the same as the host property, meaning that it would not be subservient.
 6. Furthermore, the proposed side extension would extend a considerable distance past the existing building line of nos. 3 and 5 Rosewood Avenue and almost reach the front boundary of the appeal site. I note the appellant's point made that the appeal property currently projects forward of the same building line. However, this is a shorter distance in comparison to the proposed side extension which, given its scale, would have a more prominent position on the street scene and consequently a greater impact on its character and appearance. Moreover, given that the proposed two storey rear extension would also be clearly visible from the public highway at Birch Avenue I also consider that it would represent an unsuitable addition to the street scene in this respect.
 7. In addition to the above, given the size of the appeal site, the orientation of the appeal property and its relationship with surrounding buildings, I consider that the appeal scheme, due to its scale and massing, would be a cramped form of development.
 8. I therefore, conclude on this issue that the proposed development would harm the character and appearance of the area in conflict with Policies 1, 23 and 24 of the Rossendale Core Strategy (adopted November 2011) (CS) and the Alterations and Extensions to Residential Properties Supplementary Planning Document (adopted June 2008) (SPD) which jointly, among other things, promote good design, enhance local character and ensure that development is compatible with its surroundings amongst other considerations.
 9. Core Strategy Policy AVP6 relates to the spatial strategy for Haslingden which given the location, scale and type of development proposed I do not consider to be entirely relevant to this main issue.

Living Conditions

10. The proposed development would increase the footprint of the appeal property and bring it closer to the shared boundary with no. 3. Consequently, the rear garden of no. 3 would be overlooked from the first-floor bedroom window on the rear elevation of the proposed side extension, resulting in a loss of privacy to the neighbouring occupiers. While obscure glazing could be provided to mitigate any adverse impact, I do not consider that this would be either reasonable or appropriate for a bedroom window.
11. Furthermore, given the proposed side extension's proximity to the shared boundary, along with its scale, massing and orientation in relation to no. 3, I also consider that the proposal would cause an unacceptable loss of light to the conservatory on the southern elevation of no. 3 thereby harming the living conditions of its occupiers.

12. In relation to the proposed rear extension, based on the evidence before me I do not consider that the proposed rear extension would cause an unacceptable loss of light to the first-floor rear bedroom window of no. 30. However, given its proximity to the shared boundary, scale and massing, I consider that the proposed rear extension would cause an unacceptable loss of outlook from the first-floor rear bedroom window of no. 30 leading to a greater sense of enclosure for its occupiers thereby causing harm to their living conditions.
13. I also note the appellant's point that no objections were raised by the immediately adjacent occupiers in relation to living conditions. However, this situation may change over time and this fact does not overcome the harm I have identified.
14. I therefore conclude that the proposed development would harm the living conditions of the occupiers of nos. 3 and 30, with particular reference to loss of privacy, loss of outlook and loss of light. The proposal would conflict with Core Strategy Policy 24 and the SPD which jointly, among other matters, aim to protect residential amenity amongst other considerations.

Conclusion

15. I recognise that the proposal would increase the size of the existing dwelling and provide accommodation for the appellant and his family in a location near to schools, shops and extended family members. However, these matters do not alter or outweigh my findings on the two main issues.
16. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR