

Appeal Decision

Site visit made on 17 December 2019

By Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/T2350/D/19/3238077

1 Willow Avenue, Whalley BB7 9US

- 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 Nick & Cathy Hanson against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0479, dated 21 May 2019, was refused by notice dated 9 August 2019.
 - The development proposed is described as 'Proposed two storey extension and alterations'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity, I have taken the names of the appellants from the appeal form as they are more precise.
3. In the absence of the appellants for the access required site visit at the appeal site, I undertook my site inspection from No 9 Elm Close (No 9) and public land, and was satisfied that I could gather sufficient information to determine the appeal.
4. The proposed development includes the erection of a 2-storey side / rear extension, a single storey rear extension and external and internal alterations through the conversion of the garage to habitable space. It is common ground between the main parties that the element of the proposed development in dispute is the 2-storey side / rear extension and not the other aspects of the proposed development. I have dealt with the appeal on this basis.

Main Issues

5. The main issues of this appeal are:
 - the effect of the proposed development on the character and appearance of the appeal site and the surrounding area; and,
 - the effect of the proposed development on the living conditions of the occupiers of No 9, with particular reference to dominance.

Reasons

Character and appearance

6. The host dwelling is a modern detached house with integral garage, sited close to No 3 Willow Avenue, which is a property of similar design and scale that is handed in its appearance to No 1, albeit on a slightly different building line. This forms a strong and positive characteristic in the street scene, meaning I consider that the appeal site is located adjacent to a similar property creating a sense of rhythm and balance.
7. Whilst there is no specific policy objection to the principle of a residential extension, I note that the appeal scheme would provide a significant amount of additional accommodation when compared with the original property. It is acknowledged that the proposal would be set back from the front elevation of the main dwelling. Furthermore, whilst a lower ridge would be created through the scheme being set back from the front elevation, it would appear staggered from the ridgeline of the main dwelling. Whilst such features of subordination would exist, along with a degree of articulation incorporated within the design of the scheme, I find that this would not provide sufficient mitigation against the harmful visual effects of the proposed development through its excessive scale and massing, and its resultant bulky appearance on the host dwelling, when viewed from Willow Avenue.
8. The host dwelling has retained a clear sense of symmetry relative to No 3, which accordingly contributes towards a positive feature of the wider street scene. Whilst the proposal comprises two storey and single storey elements this still results in an overly wide addition to the host dwelling relative to its existing proportions. These factors would diminish and unbalance the character and appearance of the host building to the detriment of the wider street scene. I note that the appeal site benefits from a larger plot when compared to No 3, but in this instance, such a factor is not sufficient to overcome or provide relief from the harmful effects of the proposal.
9. For the above reasons, I therefore conclude that the proposed development would unacceptably harm the character and appearance of the appeal site and the surrounding area. This would be contrary to the design, character and appearance aims of Policies DMG1 and DMH5 of the Ribble Valley Core Strategy 2014 (CS) and the National Planning Policy Framework (the Framework).

Living conditions

10. I note that the proposal has been amended since it was originally submitted, reducing the amount of development at first floor of the 2-storey side / rear extension and altering the proposed external materials for construction. Nevertheless, the extension would still project 3m beyond the original rear building line. The rear garden of the host dwelling has a modest depth, which maintains sufficient space between neighbouring dwellings, particularly between No 1 and No 9.
11. The Council do not raise any issues with regards to loss of privacy, as it considers that the first-floor windows on the proposed extension could be obscured glazed by means of condition. The appellant does not dispute this, and in the absence of any substantive evidence to the contrary, I agree that

such a condition could be imposed to overcome any potential harm with regards to privacy.

12. However, as the proposal seeks to extend the host dwelling by 3m from its existing rear elevation into the rear garden, this would reduce the existing space surrounding the host dwelling. The Council do not raise any issues with regards to the single storey element of the proposed development, which I too agree with, due to the proposed height not raising any adverse issues on neighbouring occupiers. However, I do have concerns with regards to the first-floor element of the scheme. There are no facing habitable room windows at No 9 that would be harmfully affected by the proposed development, as its rear elevation would be situated at an oblique angle to the proposal. Additionally, I do not consider that the proposed development would result in a harmful loss of daylight.
13. However, I find that the proposed development would be sited close to the rear garden of No 9. I have concerns over the height of the 2-storey side / rear extension which would be sited close to its rear boundary. The first-floor element would dominate the adjacent section of the neighbouring domestic garden at No 9, which would then be exacerbated by the proposed rear gable, thus adding further scale and massing to the development. The resultant scale and massing of the extension would create a tall, solid structure in proximity to the domestic garden, which would be intrusive and result in a significant harmful effect on the ability of existing neighbouring occupiers at No 9 to enjoy their rear garden.
14. For the above reasons, I therefore conclude that the proposed development would significantly harm the living conditions of occupiers of No 9, with particular reference to dominance. This would be contrary to the amenity aims of CS Policies DMG1 and DMH5, and paragraph 127 of the Framework.

Conclusion

15. For the reasons given above, the appeal should be dismissed.

W Johnson

INSPECTOR