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## Appeal Decision

Site visit made on 26 May 2020

**by Alison Partington BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1<sup>st</sup> June 2020**

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**Appeal Ref: APP/B2355/D/20/3245362**

**20 Dobbin Close, Higher Cloughfold, Rawtenstall BB4 7TH**

- 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 and Mrs B Martin against the decision of Rossendale Borough Council.
  - The application Ref 2019/0552, dated 21 November 2019, was refused by notice dated 21 January 2020.
  - The development proposed is a two storey side extension plus single storey rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey side extension plus single storey rear extension at 20 Dobbin Close, Higher Cloughfold, Rawtenstall BB4 7TH in accordance with the terms of the application, Ref 2019/0552, dated 21 November 2019, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Scale 1:1250; Existing and Proposed Plans and Elevations Drawing Number BM-03-11-19 amended 05-01-20.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### Main Issue

2. The main issue in the appeal is the effect of the proposed extension on the living conditions of the occupiers of No 22 Dobbin Close with particular regard to outlook.

### Reasons

3. The appeal property is a semi-detached dwelling with a garage at the side. The adjacent property (No 22) is set back in relation to the appeal property and at a slight angle to it. This property has a two storey side extension which extends to the boundary with No 20. This has a bedroom window on the front elevation which is close to the common boundary.

4. Advice on extensions to dwellings is provided in the Council's *Alterations and Extensions to Residential Properties Supplementary Planning Document (adopted June 2008)* (SPD). This indicates that extensions should not project beyond a 45 degree angle from the mid-point of an adjacent habitable room window. Appendix 1 of the SPD states that this rule is designed to ensure that extensions do not have a detrimental impact on a neighbour's right to daylight and sunlight.
5. Given the juxtaposition of No 20 and No 22, the Council have indicated that the proposed extension would project significantly beyond the 45 degree line from the closest first floor bedroom window on No 22. This is not disputed by the appellant. However, the sunlight and daylight assessment they have submitted shows that despite this, as the front elevation of the property faces south, the proposal would only have a minimal impact on the daylight and sunlight received by the bedroom. Given this, I am satisfied the proposal would not have a detrimental impact on the living conditions of the occupiers of No 22 in respect of daylight and sunlight, even though it may not accord with the requirements of the SPD.
6. The extension would be visible from the bedroom window. Nevertheless, despite the fact that the adjacent dwelling is set at a slight angle to the appeal property, it would only be seen in the peripheral vision. As such, it would not dominate the outlook from the room or appear an overbearing or obtrusive feature from it.
7. The Council has stated that they consider the rear extension would not adversely impact on the living conditions of either neighbour. Given the boundary treatments to No 18 and the fact that the extension would not project beyond the rear elevation of No 22, I see no reason to disagree with this conclusion.
8. Consequently, I consider that the proposed extension would not have an adverse impact on the living conditions of the occupiers of No 22 Dobbin Close with particular regard to outlook. Of the policies within the *Core Strategy Development Plan Document (adopted November 2011)* referred to by the Council, I consider Policy 24 to be the most relevant to this matter. I consider that the proposal would not conflict with this policy which seeks to ensure that developments protect the amenity of an area, including residential amenity.
9. For the reasons set out above I conclude the appeal should be allowed.
10. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition is required to control the external appearance of the extension.

*Alison Partington*

INSPECTOR