
Appeal Decision

Site visit made on 27 May 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2020

Appeal Ref: APP/B2355/D/19/3242044

9 Schofield Road, Rawtenstall, Rossendale BB4 8SL

- 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 Salma Begum against the decision of Rossendale Borough Council.
 - The application Ref 2019/0269, dated 24 June 2019, was refused by notice dated 17 September 2019.
 - The development proposed is a rear single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear single storey extension, at 9 Schofield Road, Rawtenstall, Rossendale BB4 8SL, in accordance with the terms of the application, Ref 2019/0269, dated 24 June 2019, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Drawing 1555 Page 1/3 (Existing Layout); Drawing 1555 Page 2/3 (Proposed Layout); Drawing 1555 Page 3/3 (Existing Layout – Site and Location Plan).
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on Drawing 1555 Page 2/3 (Proposed Layout).

Preliminary Matter

2. The Council states that the plans are inaccurate and do not enable a proper assessment of the proposal's impact to be undertaken, including reference to the existing extension oversailing the party wall with No 11. However, I am satisfied that the plans show the proposal with sufficient clarity, and I was able to understand the proposal when I viewed the appeal site at my visit. As such, I am content that the submitted plans are sufficient to enable me to reach a judgement on the proposal. Matters relating to the party wall are not relevant to the planning merits of the case.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and the effect on the living conditions of neighbouring occupants.

Reasons

Character and appearance

4. The appeal relates to a mid-terrace dwelling standing on a steeply sloping street. A lane running behind the terrace provides access to the rear of the dwellings, and allows the rear of the terrace to be publicly visible. The proposal would see the existing rear addition extended by some 1.5m. The downward sloping, monopitch roof of the existing extension would be continued on the proposed extension, with the walls rendered to match.
5. There are a number of rear extensions present along the terrace. Generally, they are modest, half-width structures, including at the appeal site, though there is variety to their roof shapes and depths. A consistent pattern to the built form in terms of height or depth of the extensions is not obvious when viewed from within the lane, given the extensions sit well above the sloping ground level of the lane and are filtered by the presence of tall, stepped rear boundary walls and various garden paraphernalia including plants and sheds.
6. The proposal would add depth to the extension in excess of others in the terrace; however, the resulting structure would remain a modest addition to the host dwelling. Moreover, given the context of varied extensions and other obscuring features along the terrace, it would not appear overly prominent, excessive in scale or disruptive of a uniform pattern of development. Whilst the Council takes issue with the use of concrete roof tiles and proposed rendering of the extended part of the structure, as the main building is faced in stone, the existing extension is rendered, as are others along the terrace, and the tiles would match those used on the existing extension. Therefore, the proposed materials would not appear out of step with the surroundings in this case, and would provide a more coherent appearance to the resulting extension than would the use of other materials.
7. For these reasons, I find that the proposed extension would not harm the character and appearance of the area, and so would not conflict with Policies 1, 23 and 24 of the Council's Core Strategy (2011) (the CS) which together require development to enhance the quality and sustainability of places through the highest standard of design that respects and responds to local context, distinctiveness and character, and that is compatible with its surroundings in its form and visual impact.

Living Conditions

8. The Council raises concern that the enlarged extension would significantly reduce the levels of sunlight and daylight received to the small rear yard of the adjacent property at No 11, in breach of the 45 degree rule set out in its Alterations and Extensions to Residential Properties Supplementary Planning Document (June 2008) (the SPD). I do not have the benefit of plans which show a measured assessment of the 45 degree rule, but given the depth of the proposed extension, and close position of the neighbouring rear windows, it is possible that the rule may be breached by the proposal, or is already breached by the existing extension.
9. However, it is also relevant that No 11 stands uphill of No 9, and so the screening effect of the extension at No 9 is less than if both properties were on level ground, which the 45 degree test takes to be the case. As such, the

situation on the ground requires that the assessment goes beyond a strict application of the SPD test.

10. The existing extension at No 9 lies roughly to the south of the rear yard of No 11 and south-easterly of its rear window. Direct sunlight is received by the garden and window for a period in the early morning, after which the position of the existing extension to No 9 may have an effect on sunlight received and shadows cast over No 11. The proposed extension may add to this for a short additional period during the morning, but the effect on sunlight, and levels of daylight generally, would be lessened by No 11 being at a higher level than No 9, and given the downward sloping roof and modest height of the additional extension. Therefore, any increase in shadowing and/or loss of sunlight or daylight relative to the existing situation would be limited and would not adversely affect neighbouring occupants' enjoyment of their property.
11. The proposal would not, therefore, result in harm to the living conditions of neighbouring occupants, and so would not conflict with the aims of Policies 23 and 24 of the CS to ensure Rossendale's places and buildings are attractive, safe and easy to use, and protect the residential amenity of the area, including in terms of satisfactory daylight and sunlight.

Conditions

12. To provide certainty, a condition is required specifying the relevant drawings. It is also necessary to impose a condition requiring external surface materials to match the existing extension in order to secure a satisfactory appearance.

Conclusion

13. For the reasons set out, the appeal is allowed.

K. Savage

INSPECTOR