



Appeal Decision

Site visit made on 16 June 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 30th June 2020

Appeal Ref: APP/R2330/D/20/3246123

2 Lyndhurst Avenue, Oswaldtwistle, Lancashire BB1 3NQ

- 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 Mohammed Mudassar against the decision of Hyndburn Borough Council.
 - The application Ref 11/19/0351, dated 06 October 2019, was refused by notice dated 03 December 2019.
 - The development proposed is rear first floor and single storey extensions.
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Decision

1. The appeal is dismissed.

Procedural Matter

Main Issues

2. The main issues are the effects of the proposed development on:
 - i) The character and appearance of the area; and
 - ii) The living conditions of the occupiers of the neighbouring residential property.

Reasons

Character and appearance

3. No 2 is an extended semi-detached property on the corner of Lyndhurst Avenue and Windsor Road. It is in a residential area characterised by modest semi-detached properties in matching styles and materials. Properties are uniformly set back from the street, with front boundary treatments including low brick walls and hedge planting. Notwithstanding property extensions and alterations, the area has a regular and harmonious character and appearance.
4. The proposed rear extensions would not be visible from Lyndhurst Avenue. However, the side boundary of the appeal property extends along Windsor Road, which slopes down from Lyndhurst Avenue to meet the A679 Blackburn Road. By virtue of the change in ground levels and the elevated and prominent corner position, the proposal would be readily visible from locations in the surrounding area including along Windsor Road, Brantwood Avenue, Richmond Crescent and Blackburn Road.

5. The proposal would be an irregular and bulky feature. In combination with the existing 2 storey side extension, it would result in an overly complicated and discordant rear roofscape. It would not relate well to the simple roofs that characterise the group of properties of which No 2 forms part. Moreover, the varied heights, sizes and styles of extensions to the property would result in a cluttered rear elevation that would be out of character with the surrounding townscape.
6. The significant increase in the extent of built development would overwhelm the host property and it would be noticeably not in keeping with its surroundings. The proposal would appear dominant and incongruous. Consequently, by virtue of its substantial bulk and discordant appearance, the proposal would be visually obtrusive and it would not make a positive contribution to the street scene.
7. Therefore, the proposal would harm the character and appearance of the appeal property and the area. It would conflict with Policies Env 6 and Env 7 of Hyndburn Borough Council Core Strategy Adopted January 2012 (the CS) and Policy DM 10 of Hyndburn Borough Council Local Plan Development Management Development Plan Document Adopted January 2018 (the DMDPD). These require, among other things, that development maintains and enhances local character and distinctiveness and that it does not have an unacceptable visual impact. It would also conflict with the guidance in the Hyndburn Borough Council Householder Design Guide Supplementary Planning Document Adopted September 2009 (the SPD) and the design aims of the National Planning Policy Framework (the Framework).

Living conditions

8. The attached property, No 4, has a single storey conservatory-style extension to the rear elevation. In the absence of evidence to the contrary, I must take a precautionary approach and assume that the rear windows in the neighbouring property serve habitable rooms.
9. The proposed single storey extension would project several metres beyond the rear of No 4 and it would be a similar height to the neighbouring conservatory. The submitted plans illustrate that, by virtue of the change in ground levels, the tallest part of the single storey extension would be in excess of 4 metres. Therefore, although it would not be located in close proximity to the shared boundary, it would nevertheless be a substantial addition to the rear of the appeal property and it would be visually prominent from the rear of No 4.
10. The proposed 2 storey extension would be considerably taller than the neighbouring conservatory extension. Notwithstanding its hipped roof form, by virtue of its height and size and close proximity to the boundary, it would be visually obtrusive and dominant when viewed from the rear of No 4. It would result in a sense of enclosure when viewed from the conservatory extension and rear garden of No 4. Consequently, the proposal would be an overbearing and unneighbourly form of development.
11. Therefore, the proposal would be detrimental to the living conditions of the residential occupiers of No 4 Lyndhurst Avenue, with particular regard to outlook and enclosure. It would conflict with the residential amenity aims of Policies Env 6 and Env 7 of the CS and Policy DM29 of the DMDPD. It would also conflict with the residential amenity aims of the SPD and the Framework.

Other matters

12. The appellant's desire to provide additional living accommodation for his large and growing family is understandable. However, while the proposal would increase the size of some bedrooms, it would not create additional bedrooms. Moreover, while the bedrooms to the rear of the property may be constrained by the roof slope, it has not been demonstrated that they are not suitable to be used as bedrooms. In this regard, the evidence before me, including reference to national space standards, indicates that even the smallest of the bedrooms provides sufficient space for a child under 10 years of age. Therefore, the 4 bedroom appeal property currently appears suitable to be occupied by a relatively large family.
13. Several planning applications for rear extensions at this site have been refused previously, including on appeal. Although full details of those schemes have not been provided, it appears that relatively minor amendments were made to each subsequent scheme. These include the replacement of a 2 storey gable with a hipped roof form and a small reduction in the depth of the first floor extension. Nevertheless, the appeal proposal appears substantially similar to the previous schemes and the minor revisions have not been sufficient to overcome the concerns of the Council.
14. I understand the appellant's reasons for not wishing to move to a larger property, including the financial implications. Even so, I am not persuaded that there are no alternative proposals for extensions at this site that could deliver the necessary benefits for his family without the harm that I have found.
15. There are third party representations both objecting to and supporting the proposal. These carry little weight in favour of the scheme.

Conclusion

16. For the above reasons, the proposed development would harm to the character and appearance of the host property and the area. It would be detrimental to the living conditions of the occupiers of No 4. Consequently, it would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR