



Appeal Decision

Site visit made on 9 September 2020

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 30th September 2020

Appeal Ref: APP/B2355/D/20/3244906

6 Oakeneaves Avenue, Rawtenstall, Rossendale, BB4 8FT

- 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 Michelle Levi against the decision of Rossendale Borough Council.
 - The application Ref 2019/0488, dated 22 October 2019, was refused by notice dated 18 December 2019.
 - The development proposed is a single-storey side extension to detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey side extension to detached dwelling at 6 Oakeneaves Avenue, Rawtenstall, Rossendale, BB4 8FT in accordance with the terms of the application, Ref. 2019/0488, dated 22 October 2019, 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 following approved plans: Location plan; Proposed Ground Floor Plan; and Proposed Elevations and Roof plan.
 - 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.
 - 4) Prior to the commencement of the development hereby permitted, details of the associated foundations shall be submitted to and approved in writing by the local planning authority. The foundations shall be constructed in accordance with the approved details.
 - 5) Prior to commencement of the development hereby permitted, details of the extent of the root protection area of the Oak tree located in the rear garden of No. 6 shall be submitted to and approved in writing by the local planning authority. Any work to reduce ground levels within the approved root protection area shall only be undertaken by hand digging.

Main Issue

2. I consider that the main issue in this case is the effect of the proposal on the character and appearance of No. 6, the streetscene and the wider area.

Reasons

3. From its junction with Hollin Way, Oakeneaves Avenue runs in an easterly direction before turning southwards. The appeal property is situated part way along the north-south section of the avenue, the character and appearance of which varies markedly along its length.
4. The eastern side of the north-south section of the avenue is characterised by houses set back from the street beyond linked garages, a number of which are positioned close to the highway and are particularly dominant features of the associated properties. To the south of No. 6, the streetscene has a relatively open appearance, notwithstanding the limited set back of built development on the eastern side of the street, as properties on the western side of the avenue are generally set back further beyond open front gardens. By comparison, the northern section of the avenue, which includes nos. 4 and 6 on the western side and Nos. 9-19 to the east, has a far more enclosed appearance. This results in part from the position of the garages on the eastern side of the avenue, those of Nos. 9 and 17 being positioned particularly close to their front boundaries and at a higher ground level than the adjacent highway. To the west, No. 4 occupies a corner site at the bend in the road and its two-storey eastern side elevation, which faces towards No. 19, is set back from the highway by a short distance. The orientation of No. 6 is unusual in the context of the streetscene, as its front elevation faces towards the rear boundary of No. 4. Whilst the eastern side wall of the appeal property is set back from the highway, roadside close boarded fencing, which encloses an area of garden to the side and rear of the No. 6, also contributes to the narrow appearance of the northern section of the street.
5. The proposal involves the erection of a single-storey side extension, which would fill the gap between the two-storey eastern side wall of the dwelling and its eastern side boundary shared with the highway. The hipped roof of the proposal would be broadly in keeping with the design of No. 6, the main roof of which is half-hipped. The footprint of the proposal would be irregular, as its side wall would follow the boundary line, which runs at an angle to the eastern elevation of the house. However, the floor area would be relatively small in comparison with the footprint of the existing property. Furthermore, given its single-storey scale, hipped roof design and position to the side of the main house, it would amount to a subservient addition to the dwelling. I consider that in materials to match the existing building, the proposed extension would complement No. 6. Furthermore, given the significant separation distances involved, it would not detract from the character or appearance of neighbouring properties. In these respects, it would be consistent with the general aims of the Council's *Alterations and Extensions to Residential Properties Supplementary Planning Document (SPD)*.
6. The Council argues that due to the orientation of No. 6 and the position of the subject garden area, which extends between the house and the highway, the site displays characteristics akin to a corner plot, in relation to which the SPD provides specific guidance. The SPD indicates that single-storey side extensions on corner plots should not normally occupy more than half of the available

width of the side area or should normally leave a minimum of 2 metres from the highway to the sidewall of the proposed extension. The proposal would not meet these requirements.

7. However, as acknowledged by the Council, the appeal site is not technically a corner plot and even if it was, the SPD also indicates that a lesser set back may be acceptable where the prevailing pattern of development in the locality is typified by relatively narrow frontages. In my judgement, the relatively narrow appearance of the northern section of the avenue, in comparison with the southern section, would not be materially altered by the proposal. The top of the sidewall of the proposed extension would be similar to the level of the top of the existing roadside boundary fence of No. 6, which is far longer, and the adjoining section of its hipped roof would slope away from the road, thereby limiting its visual impact. Although the elevation of the proposed extension facing the road would be longer than the western elevations of individual garages on the opposite side of the avenue, it would be less obtrusive, as the position of those garages on higher ground than the highway adds to their prominence. I consider overall that, consistent with the general aims of the SPD, the proposal would not detract from the character or appearance of the streetscene. Furthermore, given its limited scale, it would have no effect on the wider area.
8. I conclude that the proposal would not harm the character or appearance of No. 6, the street scene or the wider area. It would not conflict with Policies 1, 23 or 24 of the *Core Strategy Development Plan Document, 2011* or the *National Planning Policy Framework* insofar as they seek to promote a high standard of design that respects and responds to local context, distinctiveness and character as well as to ensure that development is compatible with its surroundings. Furthermore, it would be consistent with the SPD taken as a whole.

Other matters

9. I have had regard to the examples of other properties, which have single-storey side projections, drawn to my attention by the appellant. However, those properties occupy corner plots on different streets and so they are not directly comparable to the case before me. I give their existence no weight. Whilst I note the appellant's desire to provide additional accommodation to allow her elderly mother to live close by, personal circumstances seldom outweigh more general planning considerations and they have not been determinative in this case.

Conditions

10. The Council has suggested 3 conditions that it considers should be imposed in the event that the appeal is allowed, and planning permission granted. In addition to the normal commencement condition, a condition would be necessary to ensure that the works would be carried out in accordance with the approved plans, in order to create certainty for all parties. A condition would also be necessary to ensure that the materials used in the external surfaces of the proposed extension match those of the existing building, in the interests of visual amenity. In addition, the appellant accepts that conditions would be necessary to safeguard the large tree within the rear garden of No. 6, in keeping with the recommendations of the Council's Tree Officer. I consider that they would be required in the interests of visual amenity.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed.

I Jenkins

INSPECTOR