



Appeal Decision

Site visit made on 3 November 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 27th November 2020

Appeal Ref: APP/E2340/W/20/3254871

11 West Close Avenue, Higham, Burnley BB12 9BE

- 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 Ms J Swann against the decision of Pendle Borough Council.
 - The application Ref 19/0961/FUL, dated 30 December 2019, was refused by notice dated 21 February 2020.
 - The development proposed is erection of two storey detached dwelling house and parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is an irregularly shaped and steeply sloping parcel of land formed by the subdivision of the garden of No 11, which is a semi-detached single storey dwelling at the end of a cul-de-sac. It is in a residential area characterised by matching pairs of modest semi-detached single storey properties finished in brick and painted render, some of which have subservient dormer roof extensions. Pairs of properties are evenly spaced and separated by shared vehicular access leading to garages to the rears. Properties are set back from the street on uniform building lines and they have open frontages.
4. The proposal would be a split level detached dwelling with the appearance of a single storey property when viewed from West Close Avenue. Although its ridge line would be similar in height to that of the neighbouring properties, its complicated hipped and gable roof would be markedly different to the simple roofscapes that characterise this part of the townscape. Consequently, it would be a conspicuous and discordant feature that would disrupt the consistency of the street scene.
5. The side elevation facing No 11 would be a conspicuously large and predominantly blank 2 storey gable elevation. In contrast, and although similarly 2 storey, the opposing side and the rear elevations would be angular and with variously sized window and door openings. By virtue of its height and its irregular shape, the dwelling would be out of keeping with the surrounding

unassuming single storey properties. In this regard, the use of a similar palette of external building materials would not create visual harmony.

6. The proposal would also appear awkward by virtue of its juxtaposition to the turning head of the cul-de-sac and its overly large scale relative to its plot. Moreover, it would be conspicuous from the surrounding area as a result of its prominent and elevated location and close proximity to Barrowford Road. The continuous close-boarded fencing that encloses the site is not in keeping with the open frontages that characterise the area. Consequently, the proposal would be incongruous and visually obtrusive and it would not make a positive contribution to local character and distinctiveness.
7. The proposal has been designed to work with the significant constraints of the plot and it would take advantage of the views afforded from the rear of the property. However, split level dwellings and hipped-and-valley roofs are not uncommon. The proposal would be read as a continuation of the built form on this side of West Close Avenue rather than as a standalone feature property at the end of the cul-de-sac and, in this regard, it would not sit comfortably in the street scene. Therefore, the proposal does not demonstrate that it would be an outstanding or innovative design which promotes high levels of sustainability for the purposes of paragraph 131 of the National Planning Policy Framework (the Framework).
8. While Higham is screened to a degree by landscape planting along Barrowford Road, the closest properties to the road are in an elevated and visible position relative to the surrounding landscape. The proposal would be seen to extend built development towards the road. Even if it was appropriate to use planting to screen unacceptable development from view, the small garden area would not accommodate any meaningful planting to integrate the proposal into its surroundings. The proposal could not rely on planting on neighbouring land. In any case, it seems reasonably likely that future occupiers would seek to remove or reduce the height of any planting that blocked views or reduced light to habitable room windows.
9. Therefore, the proposal would result in harm to the character and appearance of the area. It would conflict with Policy ENV2 of the Local Plan for Pendle Core Strategy (2011-2030) Adopted December 2015 (the LP). This requires, among other things, that proposals should contribute positively to a sense of place, local identity and character, and that good quality contemporary design should enhance the character of the area. It would conflict with the policies in the Framework that require development to be sympathetic to local character, including the surrounding built environment, to maintain a strong sense of place and to add to the overall quality of the area.

Other Considerations

10. Concerns have been raised by third parties including in relation to the appearance of the dwelling and highway issues. While I acknowledge concerns about additional on-street parking, including in the turning head, the evidence indicates that an adequate number of off-street parking spaces could be provided. Furthermore, matters related to drainage, ground stability, construction management, cycle storage and electric vehicle charging points could be dealt with by condition.

11. One new dwelling would make a minimal contribution to the overall supply of housing and its residential occupation would make a negligible contribution in terms of support for the local economy or local community. There would be negligible economic benefits in the short-term during construction.

Planning balance

12. Irrespective of the age of the LP, due weight should be given to the policies according to their degree of consistency with the Framework. In this regard, the policies in the Framework require development to add to the overall quality of an area, to be sympathetic to the surrounding built environment and to maintain a strong sense of place. Consequently, the conflict between the proposal and Policy ENV2 attracts significant weight in this appeal.
13. The Council cannot demonstrate a 5 year supply of deliverable housing sites, with only roughly a 4.6 year supply at the time the application was determined. Therefore, in accordance with footnote 7 of the Framework, the policies which are most important for determining the application are out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. The benefits associated with a single new dwelling would be limited, even taking account of the Council's housing land supply position. Consequently, the adverse impacts on the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

15. For the reasons set out above, the proposal would conflict with the development plan and there are no other considerations, including the provisions of the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR