
Appeal Decision

Site visit made on 23 December 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021

Appeal Ref: APP/B2355/W/20/3260107

14 Knowl Gap Avenue, Haslingden, Rossendale BB4 4DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr and Mrs Martin against the decision of Rossendale Borough Council.
 - The application Ref 2019/0570, dated 3 December 2019, was refused by notice dated 15 April 2020.
 - The development proposed is the erection of one dwelling.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 14 January 2021.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and the appearance of the street scene;
 - the living conditions of occupants of the host and proposed dwellings with regard to outdoor garden space; and
 - the level of on-street parking provision for neighbours and occupants of the host dwelling.

Reasons

Character and Appearance

3. The site subject to this appeal is occupied by a semi-detached dwelling located close to the bottom of a cul-de-sac in Haslingden. On the same side is a row of 4 terraced dwellings. These are separated from the appeal property by a short road that leads to the rear of the 4 terraced dwellings.
4. On the side opposite the appeal property are 6 pairs of semi-detached dwellings with some additional semi-detached dwellings beyond the end of the cul-de-sac. These semi-detached properties on both sides together with the row of 4 dwellings define the character of the cul-de-sac.
5. The proposed development is the construction of a 2-storey 3-bedroom detached dwelling adjacent to, and within the garden of, the semi-detached

dwelling. Currently, the area to the side of the dwelling appears to be used for car parking and included until recently a single garage. This has now been demolished.

6. The proposed detached dwelling would include an area of hardstanding in front wide enough to accommodate 2 motor cars. The new dwelling would be separated from the host dwelling by about 2 metres.
7. The plot accommodating the pair of semi-detached dwellings is quite wide but has limited depth. Thus, much of the garden area is to the side of each dwelling rather than to the front and back.
8. The proposed dwelling would be about the same width as the host dwelling. It would incorporate an arched entrance to match the design used for the adjacent semi-detached dwellings.
9. However, the new dwelling would still look out of place in the road. The front would be dominated by the double-width driveway and the parked cars. It would also be the only detached dwelling along the cul-de-sac and would thus jar with its neighbours.
10. For the above reasons the proposed development would harm the character and the appearance of the street scene. It would therefore fail to accord with Policies 1, 23 and 24(5) of From West to East: Making Rossendale the Best - Core Strategy Development Plan Document: The Way Forward 2011-2026 2011 (CS) which seek to encourage inclusive design that, through its siting, layout, scale and mass respects the local context, distinctiveness and character of the its surroundings.
11. It would also fail to accord with Paragraphs 122d), 127b-c) and 130 of the National Planning Policy Framework ('the Framework') which seek to ensure that residential gardens should be protected where they contribute to a sense of place, and that new development should be visually attractive, maintain a strong sense of place and well designed.

Living Conditions

12. The proposed development would sever the rear garden of the host dwelling, creating two separate areas of outdoor space. The initial plan was amended to remove the rear ground floor extension which has freed up some additional space for the rear garden. Both rear gardens would be around 60 square metres in area. According to the Appellant the rear gardens of both properties would have a depth of around 7 metres.
13. The Council does not have an outdoor space standard. Neither the Framework nor the National Design Guide prescribe specific levels of space. Instead, they advise that new development should ensure that sufficient outdoor space is provided to allow for satisfactory living conditions.
14. The rear garden of the proposed dwelling would appear to be rather cramped for a family home. Parents and children would have access to a large play area at Victoria Park which is about 300 metres away on the other side of the A56. However, this would not be particularly convenient and therefore would not be adequate compensation for the restricted amount of garden space in both the host and the new dwelling.

15. For the above reasons the proposed development would fail to provide for the satisfactory living conditions of future occupants of the host and the new dwelling in regard to the level of outdoor garden space. Accordingly, it would fail to accord with Paragraph 127f) of the Framework which advises that a high standard of living conditions should be provided for future users.

On-Street Parking

16. The proposed development would include 2 off-street parking spaces for the new dwelling and 1 off-street parking space for the host dwelling. The Council's preferred level of provision would be for 2 parking spaces per dwelling. It is also Council policy that new development should, where possible, be located close to main public transport corridors.
17. At the time the appeal was submitted it is understood that the host dwelling had a driveway for a single car and a single garage. The garage was in a poor state of repair and so could not be used to accommodate a car. Thus, the dwelling has had capacity for one car only, possibly for several years. It is quite possible that 1 parking space would be sufficient because the Council's own data shows that the majority of households across the Borough only own 1 car.
18. Several neighbours have objected to the development proposal on the ground that it will exacerbate an existing problem of on-street parking congestion. Some photographs showing the situation in the evening have been submitted but it is not clear from where they were taken.
19. Residents have contended that on occasion garbage collection trucks have been unable to access the cul-de-sac due to double sided on-street parking. Concern has been expressed about emergency vehicle access. On the afternoon of the site visit there was quite a lot of parking on-street but no more than occurs in many other residential areas.
20. The proposed development would be within the built-up area of Haslingden and less than 1km from the town centre. There would be easy access to a bus stop, a children's nursery, industrial estates, a GP's surgery and a primary school.
21. For the reasons set out above the development proposal would provide for sufficient off-street parking and would not result in excessive levels of on-street parking. Consequently, it would accord with Policy 9 of the CS which seeks to ensure that new development is close to public transport networks in order to reduce car usage.
22. Furthermore, it would also accord with the advice set out at Paragraph 110 of the Framework that development proposals should allow for the efficient delivery of goods and access by service and emergency vehicles.

Other Matters

23. The Appellant contends that there is a housing supply of only 2.1 years in the Borough. Furthermore, only 77% of the necessary homes have been delivered in the past 3 years.
24. Given the low level of supply of housing land the provisions of Paragraph 11 are engaged. This requires that the development proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

25. The proposed detached family dwelling would provide an additional unit to the housing stock. It would also provide additional choice in an area where a large number of the dwellings are terraced properties.
26. Nevertheless, the proposal would significantly and demonstrably conflict with relevant policies within the Framework that seek to ensure that new dwellings do not harm the character and appearance of the area and provide a good quality of living conditions for the occupants.

Planning Balance and Conclusion

27. The proposed development would not result in an unacceptable level of on-street parking in the neighbourhood. It would also result in the addition of an extra housing unit and thus, albeit marginally, help to remedy the housing land shortfall in the area.
28. However, it would cause an unacceptable level of harm to the character and the appearance of the street scene as well as to the living conditions of future occupants of the host dwelling and the new dwelling. These harms would significantly and demonstrably conflict with the Development Plan and with the Framework overall and outweigh the findings regarding on-street parking and housing land shortfall.
29. For these reasons the appeal should be dismissed.

William Walton

INSPECTOR