



Appeal Decision

Site Visit made on 8 June 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/B2355/D/21/3270148

285 Edgeside Lane, Edgeside, Rossendale BB4 9UD

- 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 & Mrs Littler against the decision of Rossendale Borough Council.
 - The application Ref 2020/0429, dated 15 September 2020, was refused by notice dated 15 December 2020.
 - The development proposed is described as 'Proposed side extension over three floors (lower ground, ground and first floor) and associated roof, access and parking alterations, including creation of new access via Edgeside Lane, and external alterations to existing dwelling involving fenestration/door changes, removal of chimney and erection of rear amenity terrace at first floor level.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the dwelling and the surrounding area, and on the setting of grade II listed Lane Ends Farmhouse and Barn, and on the living conditions of the residents of neighbouring properties, with particular regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal relates to a detached hipped roof dwelling that is located in a predominantly residential area. It is situated adjacent to a short group of hipped roof dwellings to the south, and Lane Ends Farmhouse and Barn (LEFB), to the north.
4. Edgeside Lane comprises dwellings of varied size and style. However, other than for LEFB, the appeal site's immediate context is characterised by hipped roof detached and semi-detached properties. The topography of this area is such that the dwellings on the southern side of Edgeside Lane sit below this highway. Generous gaps in between properties, hipped roofs and the set down of properties relative to Edgeside Lane combine to provide a sense of spaciousness and visual relief.
5. I noted on my site visit that hedgerow planting around the front and side boundary of the appeal site exists, which along with other vegetation would screen the ground floor of the proposed side extension to some degree. I also consider that the relatively modest masonry screen wall that would enclose the

- side of the proposed first floor terrace area would not appear incongruous or unsympathetic to the character and appearance of the dwelling.
6. Nonetheless, the Council's Supplementary Planning Document titled 'Alterations and Extensions to Residential Properties' 2008 (SPD) advises that proposals for domestic extensions are required to complement the original building through a number of factors which include reflecting the design, massing, bulk, detail, proportion, scale and style of the original building, so as not to dominate it. In seeking a high standard of design it also sets out that specific features, such as doors, windows and roof style and eaves, should particularly reflect the dwelling's original shape, size, alignment and architectural integrity.
 7. I recognise the age of the SPD, and its reference to Policy DC.1 of the Rossendale Local Plan. However, in my view the guidance in the SPD represent logical considerations in respect of design; I note that paragraph 127 of the National Planning Policy Framework (the Framework) seeks to ensure that developments are sympathetic to local character, including that of the surrounding built environment. As such I consider the SPD to still be a material consideration in the context of this appeal. Nonetheless, it does not follow that a proposal should stand or fall solely on the application of these standards and each proposal is required to be judged on its own merits.
 8. To this end, the construction of the proposed side extension would require a change in the original dwelling's roof form, replacing one of the hips with a two-storey front gable element that would exceed the roof ridge height of the original building. Whilst this would be set back from the front elevation it would be of a substantial depth and height, providing significant additional visual scale and bulk to the building. This would not be consistent with the form, scale and architectural style of this property and would appear conspicuous, when seen in the context of the prevailing hipped roof forms of adjacent neighbouring properties. All of these factors would combine to create a dominant and oversized addition that would not be sympathetic to the size, scale and design of the host dwelling. It would also introduce a visually intrusive feature, that would significantly erode from the sense of spaciousness in the area.
 9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon me to have special regard to the desirability of preserving the setting of a listed building (defined by the Framework as the surroundings in which it is experienced).
 10. Insofar as this appeal is concerned, I consider that the significance of the listed building derives in large part from its traditional materials and detailing, honestly reflecting in the present its historic origins as a farmhouse and barn. The surroundings of the listed building have changed considerably over time, principally via successive waves of residential development around the A681 and B6238. Nevertheless, consistent with my earlier reasoning regarding character and appearance, such development is well set back from the immediate surroundings of the listed building. There is a semi-rural character towards the north. Buildings along Edgeside Lane tend to be relatively modest, set in good sized plots at a relatively low density, and are set down in the topography relative to the Lane itself. By consequence the surroundings in which the listed building is experienced respect its humble form, allude to a

formerly more open context, and contribute to some extent to the historic integrity of the listed building.

11. The proposed extension would be readily apparent and clearly come into view as a part of the listed building's backdrop when approaching from the north. The additional bulk and height of the proposal would therefore visually distract from views of the slate roof form and chimneys of the listed building when seen from this direction. Overall, the scheme would introduce development of significant and incongruous scale, which does not reflect the characteristic of spaciousness here (which, as reasoned above, contributes to some degree to the historic integrity of the setting of the listed building). As a result, the proposal would negatively affect the ability to appreciate the significance of the listed building, and thereby not preserve its setting.
12. Paragraphs 193 and 194 of the Framework explain that great weight should be given to the conservation of a designated heritage asset, and any harm, including to setting, requires clear and convincing justification. Paragraph 196 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal.
13. I consider the harm that I have identified above would, within the terms of paragraph 196 of the Framework, be 'less than substantial'. It should be noted that less than substantial harm in this context does not equate to a less than substantial planning consideration.
14. I therefore find that the proposed development would have a harmful effect on the character and appearance of the dwelling and the surrounding area, and on the setting of LEFB. As such it would conflict with Policies 16, 23 and 24 of the Rossendale Core Strategy Development Plan Document: The Way Forward (2011-2026) adopted 2011 (Core Strategy), and advice in the SPD. Amongst other matters, these collectively seek to promote high quality design, to ensure that development is compatible with its surroundings, and to preserve and enhance the historic built environment.

Living conditions

15. I acknowledge that the proposed side extension would bring the appeal building closer to No 287 and face a first floor window within its side elevation. However, the Council accepts that this first floor window does not serve a habitable room and I have no reason to question this. As such it is not required to be afforded the same level of protection as a habitable window in respect of light, privacy and outlook. It would also result in a similar relationship to that which is established between No 289 and No 291. In light of these factors I do not consider that an unacceptable loss of light or outlook for the residents of No 287 would occur.
16. The back garden areas of Nos 285 and 287 fall away steeply from the ground floor level of these properties to the west, which has resulted in a substantial degree of mutual overlooking to the rear. I appreciate that the proposed side extension would project outwardly at three storey level to the rear and would have Juliet balconies situated in its rear elevation at first and second floor levels. However, these would be positioned at an oblique angle to No 287's back garden, in an extension that the Council measures to be approximately 3.5 metres away from the shared boundary with this neighbouring property. Furthermore, given its rear projection any views of this neighbouring garden

would not be of the area closer to the house which would usually be the more private area. In this context, I therefore do not consider that an undue loss of privacy for the residents of No 287 would occur.

17. I am also satisfied that the proposed masonry privacy wall would prevent any further overlooking of LEFB and its rear garden area from the proposed first floor rear terrace area. It would therefore not materially harm the privacy of the residents of LEFB. However, this terrace would be sited in closer proximity to the common boundary of the rear garden area of 119 Park Road than the existing first floor rear windows. I am also mindful that overlooking from a balcony or terrace area is of a different character than from within a room as the presence of people outside has a much more intrusive feel. When the close distance is taken together with the intrusive character of overlooking that would, in all likelihood occur or have the potential to occur, the result would be a significant increase in the loss of privacy to the residents of No 119.
18. The proposal would therefore not harm the living conditions of the residents of neighbouring properties in respect of outlook. However, I find that it would have a harmful effect on the living conditions of the residents of neighbouring properties, with particular regard to privacy. It would thereby conflict with Core Strategy Policies 23 and 24, which seek to provide high standards of design with regard to residential amenity. It would also fail to comply with advice contained in the SPD, which amongst other matters, seeks to ensure that balconies do not give rise to a loss of privacy.

Other Matters

19. In reaching my findings I have had regard to a previous planning permission that was granted for a dwelling on the site (Ref: 2006/230). However, it is uncontested that this planning permission has lapsed and that it pre-dated the adoption of the current development plan. These material considerations therefore limit the weight that I can attribute to the previous planning permission in this appeal. I have, in any case, determined the appeal based on its own merits.
20. It has been put to me that the proposal would provide a much needed element of independent living for a member of the appellants' family. Whilst I have considerable sympathy for the appellants' household in this regard, personal circumstances seldom outweigh more general planning considerations, particularly where development would be permanent. Moreover, there is nothing in the evidence before me to indicate that the particular scheme proposed is the only way of achieving such benefits.
21. The appellants have also put forward that the proposal would be an efficient use of land, that parking would be maintained and access arrangements improved, and that the proposal would not conflict with any other development plan policies or guidance within the Framework. In addition, I recognise that no terracing effect would occur and that the proposal would be constructed in matching materials to those found on the main dwelling. However, these matters did not appear to be contentious in the appeal and the lack of harm in these respects would not overcome or outweigh my concerns in relation to character and appearance, the setting of a listed building, and living conditions.
22. My attention has also been drawn to the appellants discussions and correspondence with the Council during the course of the planning application.

Nonetheless, these have not had any bearing on my decision as I have only had regard to the planning merits of the proposal that is before me.

23. In light of the above neither the public benefits of the scheme, nor any other material consideration, outweigh the harm that would result. They consequently do not justify allowing a scheme harmful to the setting of the listed building or, more broadly, in conflict with relevant provisions of the development plan.

Conclusion

24. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should therefore be dismissed.

Mark Caine

INSPECTOR