The Planning Inspectorate

Appeal Decision

Site Visit made on 1 July 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2021

Appeal Ref: APP/B2355/D/21/3271697
51 Blackburn Road, Edenfield, Bury BL0 0JD

- 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 P Farrell against the decision of Rossendale Borough Council.
- The application Ref 20200549, dated 17 November 2020, was refused by notice dated 16 February 2021.
- The development proposed is a hip to gable roof extension with rear dormer.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr P Farrell against Rossendale Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied.

4. The circumstances of this appeal are such that it has not been necessary to seek comments from the parties on the revised Framework.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal property is a two-storey end of terrace house. The terrace on which the property is situated comprises five dwellings in total and has a hipped roof at either end giving a pleasant degree of symmetry to its overall appearance. The terrace sits largely on its own in the built environment, with open fields either side, giving it a particularly prominent siting.

7. When descending from Esk Avenue and the public footpath that are located roughly opposite the appeal site, the terrace is clearly visible as a whole, including the hipped roofs at either end.

8. The proposed development would fundamentally alter the shape of the roof at the appeal property by replacing the hipped roof with a gable roof. Due to its design, it would unbalance the terrace, detracting from its pleasant symmetrical form. It would harm the contribution of the house and terrace, of which it forms a part, to the street-scene. Although matching materials are proposed, this would not overcome the adverse effect that I have described.

9. The proposed development would therefore result in unacceptable harm to the character and appearance of the area. It would be contrary to Policy 23 of the Rossendale Core Strategy Development Plan Document (2011), which requires, amongst other things, that all new developments are of the highest standard of design that respects and responds to local context, distinctiveness and character.

10. The appellant considers that the Alterations and Extensions to Residential Properties Supplementary Planning Document (SPD) (2008) is out of date. Although it does not have the same status as the adopted development plan, the SPD is a material consideration in the determination of planning applications. The appellant appears to suggest that the reason the SPD is out of date is because it predates the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order). The SPD is however only applicable in the determination of planning applications and not to determine whether a proposal would constitute permitted development. Therefore, the status of the SPD as it relates to the determination of planning applications is not undermined by the Order even if development that once required planning permission may now constitute permitted development.

11. The SPD states that the Council will not normally approve proposals for a change from asimilarly hipped roof to a gable end where the adjoining house has a hipped roof. Consideration will also be given to the predominant roof form in the surrounding area. In relation to the appeal proposal, despite the end terrace having a hipped roof, the adjoining house does not have a hipped roof. For the reasons outlined above, the proposal would however conflict with the general guidance for all domestic extensions which outlines, amongst other things, that proposals should not detract from the appearance of the street-scene.

12. The proposal would also conflict with the requirement in Section 12 of the Framework that developments are visually attractive and sympathetic to the surrounding built environment.

Other Matters

13. The appellant considers that the hip-to-gable extension would constitute permitted development. The implications of this for the appeal proposal have not been fully explored and I do not have sufficient evidence that would confirm the proposal would comply with the limitations of the Order to give it significant weight in the appeal process. Although the hip-to-gable extension is severable from the dormer window (but not vice-versa) I cannot be certain that it would be undertaken in isolation. Either way, I have determined the appeal proposal as a whole as it is before me, against relevant development plan policies and on its own individual planning merits.

14. Whether or not a development, or in this case part of a development, constitutes permitted development, is not a matter for me to determine in the

context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

15. The appellant has outlined how the extension is required to provide an additional bedroom space. This is however largely a matter of personal circumstance that seldom carries significant weight in the decision-making process that is primarily concerned with land use planning matters. Either way, this factor does not outweigh the harm I have identified.

16. The appellant has referred to the emerging local plan that they consider will almost inevitably mean that the terrace will not have open land surrounding it. As an emerging document and in the absence of any adopted policies or planning consents for the land surrounding the site, I am unable to give this significant weight in the appeal.

17. The appellant has referred to the lack of any specific reference to householder extensions in either the Framework or the Core Strategy. Be that as it may, this does not undermine the requirement that all developments should deliver high quality design.

Conclusion

18. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR