

Appeal Decision

Site visit made on 22 November 2021

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9TH December 2021

Appeal Ref: APP/R2330/D/21/3283125

6 Talbot Road, Accrington BB5 5EW

- 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 Sameena Quosar against the decision of Hyndburn Borough Council.
 - The application Ref 11/21/0274, dated 19 May 2021, was refused by notice dated 5 August 2021.
 - The development proposed is a first floor extension over garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed extension on the living conditions of the occupiers of Nos. 15 and 17 Poulton Avenue with particular regards to outlook.

Reasons

3. The appeal relates to a large detached dwelling which sits broadly at right angles to the nearest of the dwellings of Poulton Avenue. The proposal seeks to add a first floor extension above part of the attached garage of the appeal dwelling. The garage sits very close to the side boundary, which is also the rear boundary of Nos. 15 and 17 Poulton Avenue.
 4. The proposed first floor extension would be recessed from the front elevation of the host dwelling, it would have a lower ridge and it would be finished in matching external materials. It would also see the removal of two existing first floor windows to the side elevation which the floor plans indicate are a secondary window to a bedroom and a landing window. However, the proposed extension would sit very close to the boundary with the rear of Nos. 15 and 17 Poulton Avenue and these properties have very shallow rear gardens.
 5. According to the figures provided by the Council, which are not disputed by the Appellant, the proposed first floor addition would sit just over 7 metres or so from the windows serving the habitable rooms at the rear of these adjacent properties. This falls some way short of the 12 metre separation distance recommended by the Council's adopted Supplementary Planning Document
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titled '*Householder Design Guide*' (SPD) where a window to a habitable room faces a blank elevation.

6. To my mind, the effect of the large expanse of brickwork of the extension at first floor level would be unduly oppressive and would unacceptably reduce the quality of the outlook from the rooms at the rear of Nos. 15 and 17 Poulton Avenue. In addition, the overall scale and proximity of the proposed first floor addition would have a very dominant effect on the occupiers of these dwellings when enjoying their relatively shallow private rear amenity spaces.
7. In such terms, the proposal conflicts with policy Env7 of the adopted Hyndburn Core Strategy, policy DM29 of the adopted Hyndburn Development Management Development Plan Document and the SPD, which collectively promote high quality design that safeguards appropriate standards of residential amenity.

Other considerations

8. I am mindful that the Appellant received positive pre-application advice from the Council. Whilst pre-application advice should give potential applicants a degree of certainty moving forward, it is not binding on the Council. Furthermore, I have considered the proposal on its merits as I see it.
9. I appreciate the extension would provide additional space for the Appellant's domestic needs. However, there is no evidence before me that suggests the extension proposed is the only viable option for providing additional accommodation. In any case, it does not justify a harmful form of development.
10. Finally, the Appellant refers to a range of extensions within the local area. Whilst I do not know the precise planning circumstances behind the examples highlighted, none that I saw had a directly comparable relationship with adjacent dwellings. Moreover, as I have already explained, I have determined the appeal proposal on its individual merits, taking into account the particular relationship with neighbouring dwellings.

Overall Conclusion

11. I conclude that the proposed extension would unacceptably harm the outlook from Nos. 15 and 17 Poulton Avenue, contrary to the development plan policies and design guidance referred to above. The arguments advanced by the Appellant do not outweigh this harm and policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR