



Appeal Decision

Site visit made on 4 January 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/Z2315/D/21/3286588

65 Rossendale Road, Burnley, Lancashire BB11 5DQ

- 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 Gareth Bebb against the decision of Burnley Borough Council.
 - The application Ref HOU/2021/0378, dated 17 June 2021, was refused by notice dated 23 August 2021.
 - The development proposed is described as two storey and single storey extensions. Re-submission of HOU/2021/0043.
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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 host dwelling and surrounding area, including the provision of refuse and recycling storage; and
 - The living conditions of the occupiers of 63 Rossendale Road, having regard to light and outlook.

Reasons

Character and appearance

3. No 65 is a two-storey, semi-detached dwelling located within a predominantly residential area. The surrounding area is characterised by similarly designed semi-detached dwellings and terraces. Opposite the appeal site is St Mark's Church and Rossendale Road is a main route in and out of Burnley. I observed on my site visit that there were numerous single storey side extensions, but two-storey side extensions were not a common feature within the surrounding area.
4. The scheme follows a recently refused planning application. The two-storey element would not extend beyond the original rear elevation in the revised scheme. It would be set back approximately 0.5m from the front elevation with a lower ridge height, than the existing dwelling, and would be adjacent to the side boundary.
5. Nonetheless, the proposed development would result in a significant increase in built development to the side and rear of the host property by virtue of its size, scale and massing and would erode the gap to the side boundary. It would be

an unsympathetic and dominant addition to the host property and street scene given the small set back, minimal gap to the side boundary and scale of the extension.

6. The symmetry between semi-detached dwellings within the local area has been altered due to extensions and alterations. Having said that, they generally have a uniform appearance as the extensions and alterations are subservient. The adjoining property and No 65 currently read as a symmetrical pair because they are largely unaltered. Giving the siting, scale and design of the two-storey side extension, it would also unbalance the symmetry of the semi-detached properties. For the reasons given above, the scheme would be a discordant addition and would appear at odds with the established pattern of development.
7. The scheme would restrict access to the rear garden which would result in refuse and recycling containers being stored to the front of the dwelling. I observed on my site visit that there were numerous properties within the vicinity with restricted access to the rear garden, due to single storey side extensions and garages, and refuse and recycling containers were stored to the front of dwellings. Thus, although refuse and recycling containers would be visible from Rossendale Road, this would not be out of character with the area, and I do not consider this to be a reason to withhold planning permission.
8. For these reasons, although the scheme would be acceptable in terms of refuse and recycling provision, the proposed development would be visually harmful to the character and appearance of the host dwelling and surrounding area. Accordingly, it would conflict with Policies SP5 and HS5 of the Burnley's Local Plan (2018) (LP). These policies seek, amongst other matters, to promote high standards of design and ensure extensions respect the architectural characteristics, scale and detailing of the host building and its setting. In addition, they seek to ensure that proposals provide adequate and carefully designed storage for bins and recycling containers. It would also not comply with chapter 12 of the National Planning Policy Framework (the Framework) which promotes good design and seeks to ensure that developments are sympathetic to local character.

Living conditions

9. The proposed extension would be adjacent to the common boundary shared with No 63. Due to the topography of the area, No 63 sits lower than the host property and its side elevation contains windows. The Council state that these are not habitable room openings and I have no evidence before me to suggest otherwise.
10. I observed that the occupiers of No 63 currently have a caravan which significantly screens the ground floor window. However, the role of the planning system is to consider the effect of the development on both the current and any prospective future occupiers.
11. The proposal would not have an unacceptable overbearing or oppressive impact on No 63's side elevation windows. This is because they are not main windows and a gap would be maintained between the windows and side elevation of the host property (due to No 63's driveway). Furthermore, the driveway is not an area where the occupiers of No 63 would spend a large amount of time as it does not form part of the main private amenity space. Consequently, the

scheme would not have an unacceptable effect on No 63's driveway and would not be unduly obtrusive.

12. Having regard to the position of the sun, the existing built development, use of the windows and distance to the windows, I am also satisfied that the proposal would not reduce levels of light to an extent that would unduly reduce light reaching habitable rooms of No 63. The scheme would not result in unreasonable overshadowing.
13. For those reasons, based on the evidence presented, the proposed development would not have an unacceptable effect on the living conditions of the occupiers of No 63, having regard to light and outlook. Accordingly, in this regard, the proposal would comply with Policies HS5 and SP5 of the LP which seeks, amongst other matters, to ensure proposals do not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties. It would also not conflict with chapter 12 of the Framework which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Other matters

14. The Council has recently approved a similar extension at 55 Rossendale Road¹. However, based on the evidence before me, the approved extension cannot be directly compared to the scheme before me. This is because the approved extension has a greater set back, No 55 currently has a single storey side extension and a similar extension was previously approved. In any event, each application and appeal must be considered on its own merits. As stated above, two-storey side extensions are not a common feature within the surrounding area and the approved extension does not represent justification for harmful development at the appeal site.
15. Whilst not forming part of the reasons for refusal, the planning officer's report suggests that the scheme does not provide adequate off-street parking. The Highways officer did not object to the proposal in their consultation response. As I am dismissing the appeal for other reasons, it is not necessary to consider this matter any further, as any findings in this respect would not change the appeal outcome.

Conclusion

16. I have found that the scheme would not have an unacceptable effect on the living conditions of the occupiers of 63 Rossendale Road and would be acceptable in terms of refuse and recycling provision. However, it would be visually harmful to the character and appearance of the host dwelling and surrounding area to which I attach significant weight.
17. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

L M Wilson

INSPECTOR

¹ HOU/2021/0186