



Appeal Decision

Site visit made on 10 January 2022

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2022

Appeal Ref: APP/Z2315/D/21/3285508

19 Tennyson Avenue, Padiham, BB12 8TE

- 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 Callum Little against the decision of Burnley Borough Council.
 - The application Ref HOU/2021/0363, dated 21 June 2021, was refused by notice dated 11 October 2021.
 - The development proposed is a first-floor rear extension above existing single-storey extension, internal alterations and installation of a roof light to rear main roof plane.
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Decision

1. The appeal is allowed and planning permission is granted for a first-floor rear extension above existing single-storey extension, internal alterations and installation of a roof light to rear main roof plane at 19 Tennyson Avenue, Padiham, BB12 8TE in accordance with the terms of the application Ref HOU/2021/0363, dated 21 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1002_(00) 01; Existing Site Plan 1002-(00) 02; Existing Plan and Elevations 1002-(00) 03; and Proposed Plan and Elevations 1002-(00) 04.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property is mid-terraced dwelling, which is situated in a residential area. An existing single-storey rear extension projects into the rear garden. The Council points to the absence of other rear extensions on properties along the terrace, which is something that I observed at my site visit.
4. The proposal, which is a resubmission of an earlier proposal for a larger extension, which was refused by the Council (reference: HOU/2021/0080), is to construct a small first-floor extension partly above the existing single-storey addition. The proposal has been reduced in depth in response to the Council's

earlier decision. The appeal extension would have a hipped roof, which would be lower than the existing main roof of the dwelling. It would project out 2m from the rear of the property.

5. Policies HS5 of the Burnley Local 2018 (LP) seeks (amongst other things) to ensure that extensions should be of high quality design and subordinate to the existing dwelling. Furthermore, Policy SP5 states that proposals should respect existing characteristics and contribute positively to the public realm. These policies are consistent with the provisions of paragraph 130 of the National Planning Policy Framework 2021 (the Framework), which also requires developments to add to the overall quality of the area; be visually attractive; and be sympathetic to local character.
6. The Council considers that the proposal would appear as an alien and unsympathetic feature, mainly because it would be the only first-floor extension on the rear of the terrace. It also points to the fact that the extension would be visible across neighbouring rear gardens from Ruskin Avenue.
7. Although there are no other first-floor additions, in my opinion, the terrace is of no particular architectural merit and it does not warrant preservation of the status quo. Although the extension would be visible from Ruskin Avenue, it would be a relatively distant view and it would not be unduly prominent or harmful in the streetscene. In addition, the extension would be a relatively modest and subordinate addition and would complement the existing dwelling in terms of its design and external materials. Therefore, the proposal does not conflict with the policies of the LP or with the Framework, as referred to above.

Conditions

8. The Council has suggested conditions in the event of the appeal being allowed. I have included these in my decision. In addition to the standard conditions relating to the commencement of development and the list of approved plans, a condition is also imposed requiring the use of matching external materials. This is necessary to ensure a satisfactory external appearance.

Conclusion

9. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR