



Appeal Decision

Site visit made on 8 March 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Appeal Ref: APP/E2340/D/21/3289981

181 Regent Street, Nelson BB9 8SG

- 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 Zulfqar Ali against the decision of the Pendle Borough Council.
 - The application Ref 21/0608/HHO dated 18/07/2021, was refused by notice dated 17/12/2021.
 - The development proposed is described as side and rear two storey extensions
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Pendle Borough Council against the appellant Mr Zulfqar Ali. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

4. The site is within a residential area characterised predominantly by semi-detached properties. The appeal site is a semi-detached two storey property situated on a corner plot with semi-detached bungalows to the rear of the site on Swinden Hall Road.
5. The proposed extension would be a large two storey side and rear extension on a prominent corner plot. Due to its massing and scale the substantial extension would be disproportionate with the host property and would be dominant and incongruous to the streetscene.
6. My attention has been drawn by the appellant to a number of two storey extensions approved in the immediate area. Substantive details have not been provided other than the address of the properties. Notwithstanding this I visited these sites during my site visit and noted that none are comparable to the proposal before me. For example, a two-storey extension was not visible in

some locations, whilst at other locations the orientation, design. relationship to the plot and surrounding properties were not comparable to the appeal site. In any event each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.

7. I conclude that the proposed development would harm the character and appearance of the area. There is conflict with Policy ENV2 of the Local Plan for Pendle: Core Strategy 2011-2030 (2015) (the Local Plan) which seeks amongst other things to ensure high standards of design which positively contribute to local identity and character.
8. There is conflict with the Local Development Framework for Pendle, Design Principle, Supplementary Planning Document (2009) (the SPD) which seeks to ensure extensions appear subordinate in scale to the original dwelling and do not look out of place in the streetscene.
9. There is also conflict with the National Planning Policy Framework (2021) (the Framework) which seeks to ensure developments are of good design appropriate and sympathetic to their surroundings.

Living Conditions

10. The two storey/single storey rear extension would be close to the shared boundary with No. 179 Regent Street. The SPD provides states that two storey rear extensions will be acceptable only if they do not breach the 45 degree rule. The proposed development would impinge on this 45 degree line resulting in an overbearing built form to the occupants of No. 179 Regent Street.
11. The bungalows to the rear of the site on Swinden Hall Road are modest in scale. The separation distance between the proposed development and the rear elevations of the adjacent bungalows would be significantly reduced. The proposed development by virtue of its location and mass would be dominant and stark to the occupiers of these bungalows.
12. I conclude that the proposed development would harm the living conditions of the occupiers of neighbouring properties. There is conflict with Policy ENV2 of the Local Plan which seeks amongst other things to ensure development makes a positive contribution and is attractive to look at. There is conflict with the SPD which seeks to protect the living conditions of neighbouring properties.
13. There is also conflict with the Framework which seeks to ensure developments maintain a high standard of amenity for existing and future users.

Conclusion

14. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR