



Appeal Decision

Site visit made on 19 January 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/B2355/W/21/3283772

Land to North of 352/354 Burnley Road East, Waterfoot, Rossendale BB4 9HU

- 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 and Mrs P and E Farrow against the decision of Rossendale Borough Council.
 - The application Ref 2021/0320, dated 18 May 2021, was refused by notice dated 9 September 2021.
 - The development proposed is described on the application form as: 'proposed residential development'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have determined the appeal with regard to the Rossendale Local Plan 2019-2036 (adopted 15 December 2021, the RLP), which was emerging at the time the appeal was made.

Main Issues

3. The main issues are:
 - whether the appeal site would represent a suitable location for housing;
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would provide adequate living conditions for future occupiers in terms of outdoor amenity space; and
 - the effect of the proposal on highway safety with particular regard to parking provision.

Reasons

Location

4. The appeal site is a narrow strip of land located adjacent to Burnley Road East. It lies between a tall stone retaining wall and the edge of the highway, part of the boundary with which is formed by a low stone wall. Part of the site includes a hardsurfaced area whilst the remainder is rough grass. Cliff Bank Hamlet, a minor access road serving a few residential properties, curves around the site above the level of the retaining wall. Beyond this lies the foot of a well wooded

slope extending for some distance forming the backdrop to this part of the settlement and providing clear definition between the edge of the settlement and the wooded countryside beyond.

5. The surrounding area comprises of a mix of residential and industrial uses. A large coursed stone industrial warehouse style building, in use as a gym, is located opposite the appeal site. This fronts the pavement with an elevation containing a large number of windows and extends to two storeys in height. Industrial buildings are located adjacent to this building, whilst stone built residential terraced dwellings are located further along the same side of the road as the appeal site. These front the road.
6. The Strategic Policy SS of the RLP focuses growth and investment in and around the Key Service Centres, with more limited levels of new development supported in other areas. Policy SD2 of the RLP requires that all new development in the Borough takes place within the urban boundaries, defined in the RLP, except where development specifically needs to be located within a countryside location. The appeal site is predominantly located outside of the defined urban boundary, albeit lying immediately adjacent to it.
7. Nonetheless, given its mix of surfaces and the clear distinction between it and the adjacent woodland, my impression was of vacant land on the edge of the settlement rather than of open countryside. As such to my mind, whilst strictly not fully within the defined urban boundary the residential development of the site would not adversely affect the character and appearance of the countryside and would therefore not conflict with the aims of SD2, nor would it prejudice the Council's wider settlement strategy. Being located close to bus routes and within walking distance of services and facilities, it is not in dispute that the appeal site lies within an accessible location.
8. I therefore conclude that the appeal site would represent a suitable location for the development having regard to the development plan.

Character and Appearance

9. The proposed pair of semi detached dwellings would take a linear form, being influenced by the long and narrow nature of the site. This would present a lengthy elevation of some 24 metres¹ to Burnley Road East. However, alongside its consistent arrangement of fenestration and regular coursed stone facing, this would echo the character of the building opposite the site. In terms of materials and to an extent the fenestration, the proposal would be reflective of the residential properties immediately adjacent.
10. Screening provided by the woodland and the orientation of the proposal in relation to the road would ensure that the staggered nature of the west (rear) elevation of the building would not be easily visible in main public views. It may be possible to view this elevation from Cliff Bank Hamlet, however this would be through trees and, given the significant difference in levels, much of the elevation would be screened by the retaining wall.
11. The distinctive stone piers to either side of the south elevation would be reflective of the building opposite and, alongside the sizeable nature of the openings, would add interest to the building that would be somewhat reflective of its industrial setting. However, the substantial 3.5 metres by 6.0 metres¹

¹ Based on the measurements in the Council's delegated report.

balcony proposed on this elevation would to my mind detract significantly from the proposal.

12. This would be a highly dominant feature which would be prominent in views travelling towards this elevation along Burnley Road East, where it would be seen for some distance. It would not be reflective of the aforementioned industrial character of nearby buildings, whilst balconies present at neighbouring properties are highly limited in scale such as the Juliet balconies at the adjacent residential properties. Consequently, the proposed balcony would appear as an incongruous and imposing feature on this prominent elevation. Furthermore, in my view a balcony of this scale would be likely to accumulate domestic paraphernalia over time which would add undue clutter to this elevation and detract from the development as a whole.
13. For these reasons I therefore conclude that the proposal, namely the balcony, would result in significant harm to the character and appearance of the area. The proposal would therefore conflict with Policy ENV1 of the RLP which seeks, amongst other things, to ensure new developments constitute high quality design, including through appropriate siting, layout, massing, scale, and design. I have considered whether it would be feasible to discount the balcony from my assessment of the scheme, for example via imposing a suitably worded condition. However, the balcony is an integral part of the scheme as it has been put to me, and my suggesting its deletion may have other implications on the scheme overall. As such I cannot legitimately pursue that route.

Living Conditions

14. The nearby terraced dwellings and those further along Burnley Road East tend to front the pavement with small areas of outdoor space to the rear. As such outdoor amenity space tends to be reasonably limited within the area around the appeal site.
15. Unit 1 is proposed as a two bedroom dwelling. Outdoor space here would be limited to the proposed balcony, the shared parking area and the space around the building extending to the rear which is sufficient for the storage of refuse. The covered porch would also provide a degree of outdoor space that could be used for sitting out. Whilst I have found the balcony to be unacceptable with regard to character and appearance, I am satisfied that an area of outdoor space occupying its proposed floorspace, alongside the other outdoor areas I have mentioned would allow sufficient space for a dwelling of this size, particularly when having regard to the prevailing levels of outdoor amenity space in the vicinity.
16. Whilst Unit 2 would share the parking area with Unit 1, it would be provided with outdoor amenity space in the form of a garden on the opposite side of the building. I note that the Council consider that this is adequate provision for a one bedroom dwelling and there is nothing in what I have read or seen to lead me to a different conclusion.
17. For the above reasons I conclude that the proposal would be capable of providing adequate living conditions for future occupiers in terms of outdoor amenity space. The proposal would therefore comply with the general provisions of Policy ENV1 of the RLP which seeks, amongst other things, to ensure new development functions well considering both buildings and open

space. The proposal would also comply with paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to ensure new development provides high standards of amenity for existing and future users.

Highway Safety

18. Units 1 and 2 are proposed to be served by a shared parking area. Three parking spaces would be provided which would meet the parking standards set out in Appendix 1 of the RLP. Access into the parking area from Cliff Bank Hamlet (close to where it joins Burnley Road East) would be via the existing opening between the wall at the pavement edge and the retaining wall at the back of the site. The Highway Authority has highlighted that this would be a single vehicle width which would be impractical for a shared access, leading to residents being blocked in or parking along Burnley Road East.
19. However, future occupants of the proposed dwellings would only share their parking area with the occupants of one other dwelling. Therefore, it is reasonable to assume that good neighbourliness would limit the potential for conflict between users, and occupants of one dwelling would allow sufficient space for their neighbour to exit or enter the parking area (and in turn, could expect to benefit from the same level of consideration themselves). Given the size of the parking area, and the information provided by the appellant I am satisfied that there is adequate space available for the manoeuvring and parking of three cars without obstructing one another. The proposal would therefore not be likely to lead to significant levels of on street parking along Burnley Road East. Furthermore, I saw that given the historic nature of many nearby buildings and incremental evolution of the area, such parking arrangements would not be atypical.
20. For the above reasons I am satisfied that the parking provision is adequate for this particular context and the proposal would not have an unacceptable impact on highway safety. The proposal would therefore comply with Policy TR4 of the RLP which seeks to ensure parking provision does not prejudice the safe and effective operation of the highway network. The proposal would also comply with the provisions of the Framework which sets out that proposed development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

21. A number of interested parties have raised other additional matters including flood risk; wildlife; and living conditions of adjoining occupiers. Given that I have found the proposed development to be unacceptable in relation to the main issue of character and appearance, it is not necessary for me to consider these other matters in detail. However, I note that the appellant provided a flood risk assessment to which the Environment Agency raised no objections. I have not been provided with evidence of the site being an important habitat for wildlife, whilst I note that biodiversity enhancement measures to ensure a biodiversity net gain could be secured via means of a condition in the event of an approval. The Council states in its report that the proposal would not have any significant impacts on the outlook, daylight or privacy enjoyed by residents of any nearby residential properties. Given the nature of the scheme and its surrounding context, I agree.

22. The Council states in its delegated report that it can demonstrate a five year supply of deliverable housing sites, albeit that appears to be predicated on an emerging plan. However, the appellant argues that the delivery of housing has been inadequate for some time (noting that the Council's July 2021 monitoring report pointed towards a forward supply somewhere around 2.1 and 4.3 years' worth). Figures provided by the appellant demonstrate that housing delivery has been limited to 50, 70 and 70 dwellings completed each year in the period between 2019 and 2021. This is significantly below the RLP requirement of 208 dwellings per year, whilst it also fell short of the superseded Core Strategy requirements of 250/260 dwellings per year. Although no substantive countervailing information has been provided by the Council, based on the appellant's evidence before me, the housing delivery has been significantly less than 75% of the housing requirements over the previous three years. This represents a substantial shortfall where paragraph 11(d) of the Framework would be triggered, to which I turn to consider below.

Planning Balance

23. Whilst the Framework refers to boosting significantly the supply of housing, the provision of two additional units would make little meaningful difference. Whilst the proposal would lead to some minor economic benefits through the construction and occupation of the dwellings, these would be limited by the small scale of the proposal.
24. In other respects, the proposal would accord with the aims of Strategic Policy SS and Policy RD2 and would not prejudice the settlement strategy. There would also be compliance with Policy TR4 with regard to highway safety, whilst there would be a degree of compliance with Policy ENV1 in respect of ensuring good design with regard to providing adequate living conditions for future occupiers. Nonetheless, these are neutral in the overall balance. Even if I were to reason that the proposal was acceptable in all other respects that would also be neutral.
25. However, I have found that the proposed balcony would be an incongruous and dominant feature of the proposal that would result in significant harm to the character and appearance of the area. This would amount to a significant conflict with Policy ENV1. The support in the Framework and development plan for new housing is not unconditional and good design is a central element of sustainable development. This leads me to the conclusion that the proposal would be contrary to the development plan as a whole. I have also set out above how the benefits of two new homes would inevitably be limited.
26. The balcony proposed does not appear to be an essential element of the proposal and as such there is no compelling evidence before me that the proposed development could not be delivered in another less harmful form. Therefore, applying paragraph 11.d)ii), the adverse effects of allowing the appeal would significantly and demonstrably outweigh the benefits. As such no other material considerations indicate that the appeal should be allowed.

Conclusion

27. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, and with regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR