



Appeal Decision

Site visit made on 15 March 2022

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/B2355/D/21/3285941

24 Brynbella Drive, Rawtenstall, Rossendale BB4 6SN

- 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 Oliver Coop against the decision of Rossendale Borough Council.
 - The application Ref 2021/0444, dated 19 July 2021, was refused by notice dated 5 October 2021.
 - The development proposed is described as: 'various extensions including a single storey rear, two storey side and single storey front extension together with a permitted development roof dormer on the rear'.
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Decision

1. The appeal is allowed, and planning permission is granted for various extensions including a single storey rear, two storey side and single storey front extension together with a permitted development roof dormer on the rear at 24 Brynbella Drive, Rawtenstall, Rossendale BB4 6SN in accordance with the terms of the application, Ref 2021/0444, dated 19 July 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans (Submission Version 5, 1 October 2021): Existing Floor Plans & Elevations; Proposed Floor Plans & Elevations Rev A and Proposed Elevations & Site Plans Rev B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used listed on the approved drawings and supporting documents.

Preliminary Matters

2. Since the Council made its decision on the planning application, which is subject to this appeal, on 15 December 2021 the Rossendale Local Plan 2019 to 2036 (LP) was adopted. Consequently, the policies contained within the Council's Core Strategy Development Plan Document 2011 have been superseded. I am required to determine this appeal on the basis of the development plan which is in force at the time of my decision. The Council have confirmed in correspondence received that they now rely upon LP Policies SS, SD1, SD2, ENV1, ENV4 and ENV5. Both parties have had the opportunity to submit comments on this matter.
3. However, I do not consider that LP Policies ENV4 (Biodiversity, Geodiversity and Ecological Networks) and ENV5 (Green Infrastructure networks) are

relevant in the determination of this appeal. Consequently, this appeal has been determined in relation to the above policies contained within the LP, apart from ENV4 and ENV5.

Main Issues

4. The main issues of this appeal are:

- whether the proposed development is inappropriate development in the Green Belt; and
- the effect of the proposed development on the character and appearance of the appeal site and surrounding area.

Reasons

Inappropriate development in the Green Belt

5. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 149 of the National Planning Policy Framework (the Framework). One of the exceptions listed is at paragraph 149 c) for the extension of a building provided that it does not result in disproportionate additions over and above the size of the 'original building'. There is no definition within the Framework of size or disproportionate.
6. However, the Council refers to its Supplementary Planning Document¹ (the SPD). This document states that as a guideline the Council generally considers proposals for domestic extensions in the Green Belt and/or countryside should not normally exceed a third (30%) of the volume of the original dwelling. There is little evidence on this matter, particularly in the form of volumetric calculations from either party, although I note in the Officer Report that the Council considers for its approximate calculations that the proposed development would exceed over half the volume of the original dwelling.
7. Even if, the proposed development exceeds the limitations set out in the SPD, the proposed development would be of a size that would integrate well with the house. Therefore, based on the evidence before me, the proposed development would not represent a disproportionate addition over and above the size of the original dwelling. Whilst LP Policy seeks for development to enhance the rural character of the area, I consider that the proposed development has a neutral effect in this regard, as the host dwelling is located on a residential estate.
8. For all of these reasons, I therefore conclude that the proposed development would not be inappropriate development in the Green Belt having regard to the Framework. The proposed development would also not conflict with the spatial strategy, sustainable development and Green Belt aims of LP Policies SS, SD1 and SD2. It also accords with the overall objectives of the SPD, and complies with the requirements of the Framework, particularly paragraph 149 c).
9. Accordingly, there is no requirement for me to assess the impact of the extension on the openness of the Green Belt or to consider whether very special circumstances exist to justify the development.

¹ Alterations and Extensions to Residential Properties 2008

Character and appearance

10. The Council confirms that it does not object to the modest front extension in the Officer Report, and the concerns raised towards the proposed rear dormer, surrounds the addition of further bulk to the host property. The Council also accepts that the proposed rear dormer window (the RDW) could be constructed under permitted development rights. In the absence of any substantive evidence to the contrary, I accept the Council's observations on this matter.
11. I accept that the 2-storey side extension (the 2SSE) would be readily visible from the street, along with the single storey front extension. However, the other elements of the scheme, such as the single storey rear extension and the RDW would not be easily viewed from areas within the public realm. The irregular shape of the site, due to the location of the sub-station directly contributes to the set back of the 2SSE from the front elevation. Nonetheless, the design of the 2SSE, results in a subordinate addition, which compliments the host dwelling.
12. A single storey rear extension would extend the full width of the host dwelling and across the 2SSE, following the demolition of the existing conservatory. Due to the single storey scale and a modest depth of 3.5m, there would be little conflict arising from this element of the scheme. The proposed RDW would add more development to the host dwelling, but again this element of the scheme has subordinate features, such as being set down from the ridge, being set in from both gable ends and set up from the eaves.
13. Concern has been raised in respect of the fenestration details on the proposed development. Whilst the picture window on the proposed front elevation of the side extension would be visible from the street, the 2no. large horizontal windows on the ground floor side and first floor rear elevations of the 2SSE would not be viewed so easily. In any event, even if, these approaches are not commonplace on properties in the locality, they do not create strident or incongruous design features to the detriment of the host dwelling or surrounding area in this instance.
14. For all of these reasons, I therefore conclude that the proposed development, when taken either individually or collectively, would not create any significant harm to the character and appearance of the appeal site and surrounding area. Consequently, the proposed development accords with the design, character and appearance aims of LP Policy ENV1, the SPD and the requirements of the Framework, particularly paragraph 130.

Conditions

15. I attach a condition specifying the approved plans, for certainty. A condition to ensure that the facing materials would match those present on the approved drawings and submitted details has been included in the interests of the character and appearance of the host dwelling and surrounding area.

Conclusion

16. For the reasons given, I conclude that the appeal should succeed.

W Johnson

INSPECTOR