



Appeal Decision

Site visit made on 22 March 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2022

Appeal Ref: APP/E2340/W/21/3283249

Land to the south of Wood Clough Platts, Brierfield, Nelson, Pendle BB9 5NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval of details required by a condition of a planning permission.
- The appeal is made by Cross Construction Ltd against the decision of Pendle Borough Council.
- The application Ref 21/0170/REM, dated 3 March 2021, sought approval of details pursuant to Condition No1 of outline planning permission Ref 17/0611/OUT, granted on 7 March 2018 for the erection of 48 dwellings.
- The application was refused by notice dated 20 July 2021.
- The development proposed is 'the application of reserved matters by Condition 1'.
- The details for which approval is sought are: appearance, landscaping, layout and scale.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Cross Construction Ltd against Pendle Borough Council. This application is the subject of a separate Decision.

Background and Preliminary Matters

3. Outline planning permission Ref 17/0611/OUT was granted on 7 March 2018 for the erection of 48 dwellings on the site. All matters were reserved save for the details of access. The permission was subject to a requirement under Condition 1 to seek approval of the outstanding detailed matters of appearance, landscaping, layout and scale.
4. Condition 3 of the outline permission confirms the approved plans as CROS23/DWG 01a and CROS23/DWG 02. The latter drawing shows a development of 54 dwellings. It is the appellant's contention that Condition 3 should refer to a later plan showing an alternative layout of 48 residential units. However, as no variation to that condition has been sought, I have had regard to the plan as an approved drawing in relation to the detailed matter of access alone. As a plan showing a development that is otherwise inconsistent with the description of the approved development, its status in relation to the remaining detailed matters is therefore limited to indicative at most. I have proceeded on that basis.
5. Following the Council's decision, a revised version of the National Planning Policy Framework (the Framework) was published. As both of the main parties

have had the opportunity to comment on those changes, their interests will not be prejudiced if I take the revised Framework into account.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the locality.

Reasons

7. The site is an uneven inclined field of rough grass which descends from the Leeds-Liverpool Canal to an open corridor alongside the meandering route of Pendle Water to the west. The site includes some animal enclosures and established trees along parts of its boundaries. A modern residential estate lies to the north including Quakers View, which would provide vehicular access to the site.
8. The proposal would deliver 48 dwellings consisting of 5 house types. These would include semi-detached 1½ storey bungalows, 2 and 2½ storey detached dwellings, and 3 storey semi-detached and terraced houses. The buildings would be arranged on either side of a cul-de-sac estate road running parallel to 3 boundaries of the site and a small offshoot close to the termination of the proposed estate road.
9. An area of greenspace accommodating pedestrian routes would be provided. This would be located behind the new houses enclosed by the road and some existing properties abutting the site on Quakers View. In addition to smaller landscaped areas within the proposed streetscapes, green spaces would be retained close to the canal corridor and the southern site boundary.
10. The site lies to the west of the canal corridor. Here development consists of modern estates of primarily 1 and 2 storey detached and semi-detached houses. These are set about a series of cul-de-sacs and have enveloped some older buildings fronting Clitheroe Road. The estates are distinct from the much larger scale of development set between the canal and railway corridors to the east, or the finer-grained traditional terraces within the main settlement area beyond.
11. The proposal would deliver a range of house types which would have a degree of unity insofar as they would largely utilise consistent external materials. However, there would be little cohesiveness in the appearance of the various proposed house styles. The design of the buildings take reference from numerous sources including tall townhouses, traditional rural barn forms, suburban estate houses and bungalows.
12. Although the buildings would provide a housing mix to meet the profile of identified local needs, the various styles would be largely compartmentalised across the development. This would create sub areas with a poor degree of integration. Despite the relatively low density of development, the range of building styles would cause the development to appear disjointed and integrate poorly with the mostly consistent character of buildings within the adjoining estates.
13. For the most part, the individual house styles would stand up as examples of good design in relevant contexts. However, the proposed arrangement of closely sited consecutive blocks of 3-storey town house terraces, with little

articulation to their elevations, would particularly stand out as an incongruous element of the scheme.

14. The building elevations would have a low proportion of openings to stonework/render. Alongside the large single plane of the main elevations, the 3-storey buildings would have a significant sense of massing. The larger scale and close arrangement of the monolithic buildings along the south-eastern side of the site would present as a significant 'wall' of repetitive units. The row would result in a dominating form of development.
15. This would be pronounced on both the approach and lead-in to the area of new development along Quakers View. From elsewhere those buildings would appear unduly prominent on the highest part of the site. They would have little reference to the scale and distribution of the residential buildings within the linking developments and with which the proposals would be closely associated.
16. I recognise that there are some examples of recent 3-storey development on the opposite side of the canal. Those developments take design cues from traditional mill and warehouse buildings and lie within a former industrial area of larger scale buildings and redeveloped sites. They are therefore distinct from the circumstances of a greenfield site which is bordered by development of only limited scale and open areas on its other sides. Furthermore, unlike those developments, the arrangement would create a weak visual relationship with the canal corridor.
17. Although the layout plan suggests that the gaps between the large blocks would provide a degree of permeability, in practice these areas are highly likely to present as private spaces or be incorporated into extended gardens. They would not be sufficient to create the degree and sense of spaciousness about the buildings to temper their individual or cumulative scale.
18. The proposed bungalows with projecting gables and accommodation in the roof space would have a modest scale. Even where pairs would be sited immediately adjacent to each other, the effect on the streetscene would be limited. Although they would potentially exaggerate the scale of the 3-storey block at the transition from the existing estate, as a more modest scale of building, I find that they would be acceptable in the context of nearby development.
19. In support of the proposal, the appellant refers me to the details provided on the plans submitted with the outline planning permission and an accompanying Design and Access Statement. I recognise that detached and semi-detached dwellings of between 1.5 and 3 storeys were referenced in those documents. However, the detailed design of the buildings was not before the Council at that time. Moreover, as I have found above, the layout was not fixed within the four corners of the outline permission. Consequently, whilst I have little doubt that suitably designed buildings of the scales referenced could be accommodated on the site, these are matters of only limited weight in the context of the detailed assessment of appearance, landscaping, layout and scale.
20. For the above reasons, I find the detailed design would result in a development that relates poorly to the character and appearance of existing development in this part of the settlement. It would conflict with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy as it seeks the highest possible standards of design in form and sustainability, including through a positive contribution to

local identity and character. Furthermore, it would conflict with the Framework as it seeks similar aims.

Other Matters

21. I acknowledge the concerns of existing residents in relation to matters of access and the suitability of the estate road to safely accommodate additional traffic associated with the development. However, as a matter previously approved, this is not open for reconsideration within the terms of this appeal.
22. Concerns have been raised by third parties in respect of the use of the site by various forms of wildlife. This was a matter which was also addressed at the outline stage and is subject of further requirements through a Condition attached to the outline permission. There is little substantive evidence to support claims beyond the previously identified effects. I am therefore unable to attribute significant weight to those arguments.

Conclusion

23. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR