



Appeal Decision

Site visit made on 22 February 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 14th April 2022

Appeal Ref: APP/B2355/W/21/3279624

The Village Store, 414 Holcombe Road, Rossendale, BB4 4LX

- 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 A Novak of Village Stores (Helmshore) Ltd against the decision of Rossendale Borough Council.
 - The application Ref 2021/0360, dated 7 June 2021, was refused by notice dated 23 July 2021.
 - The development proposed is change of use of land (part) to create an outdoor seating area and erection/construction of an outdoor pergola to provide weather protection to the outdoor seating area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2021, after the application was determined, the Council adopted the Rossendale Local Plan 2019 to 2036 (the LP). This is the development plan for the purposes of the appeal. Policies 1, 23 and 24 of the Council's Core Strategy Development Plan Document listed within the Council's reasons for refusal have been superseded. I have made my assessment against Policies SS, SD1, SD2 and ENV1 of the LP. Both parties have been provided with the opportunity to comment on the implications of the relevant policies to their cases as part of the appeal process.

Main Issue

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

Reasons

4. The Village Store is a substantial 2 to 3 storey end of terrace property with a 2 storey frontage with ground floor commercial premises in mixed retail and café/ restaurant use¹. The terrace, which appears to be otherwise in residential use, sits at the edge of the urban settlement of Helmshore facing open countryside. The land to the side and rear of the appeal property is open and it slopes away steeply to the townscape below. Properties are typically finished in stone. While there are more modern dwellings in a range of styles and sizes elsewhere, the immediate area has a traditional and coherent character and appearance imparted by the terraced dwellings and the low stone wall and railing boundary treatments.

¹ Appeal ref APP/B2355/C/17/3172745

5. The submitted photographs illustrate, and I observed, the existing arrangements for outdoor seating. This includes the area between the boundary wall and the front elevation and also an area of decking to the side of the appeal property immediately behind the footway. These areas have temporary coverings, permitted during the coronavirus pandemic. The proposed pergola would replace and it would extend the decking area.
6. The pergola would be roughly 7m wide by 14m deep with a maximum height of 3m. It would be forward of the front elevation of the appeal property and it would extend along nearly the entire side elevation, from which it would be narrowly separated by a covered link. The pergola would have an aluminium frame with double glazed walls, obscurely glazed to 2 sides, and a retractable translucent roof covering. It would be supported on an open steel frame.
7. The proposal would be a relatively low single storey structure when viewed from the front. However, from the rear and by virtue of the change in ground levels, the framework and the pergola would rise to a height of just over 6.8m. Consequently, while it would be subservient in scale to the appeal property, the elevated pergola would be a large and prominent feature. The glazed structure sitting on top of a functional steel frame would be incongruous and it would be visually obtrusive, including during conditions of low light. It would not be a sympathetic addition to the traditional surrounding townscape.
8. By virtue of the wide gap between the terraces on Holcombe Road, the pergola would be readily visible above the low boundary walls and railings on the approach along the road. Its elevation above the ground would render it increasingly conspicuous from the adjacent stone steps that lead down from Holcombe Road and from the townscape below. It would be a dominant and discordant feature that would be out of keeping with its surroundings. It would not make a positive contribution to local distinctiveness or sense of place.
9. I accept that there may be conservatories in similar materials elsewhere in the area. However, the proposal would not be domestic in scale nor in its use. It would not have the appearance of a residential conservatory and there are no conservatories to provide a visual context for it. Furthermore, the extensive glazing would not be well-related to, nor would it be integrated by, the fenestration in the frontages of nearby terraced dwellings.
10. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with LP Policies SS, SD1 and ENV1 which require, among other things, that development is in keeping with the character and appearance of the area including in terms of siting, scale, design and materials, and that it accords with local plan policies. It would conflict with the aims of the National Planning Policy Framework (the Framework) in relation to ensuring that development adds to the overall quality of the area, is visually attractive and sympathetic to local character including the surrounding built environment, and that it maintains a strong sense of place.

Other Considerations

11. The Framework supports the use of under-utilised land, especially to help meet identified housing needs. It also supports economic development and the expansion and adaption of businesses. In this regard, the proposal would not be housing but it would assist in supporting a local community asset. However, while the coronavirus pandemic has had an adverse effect on the hospitality

sector, there is little evidence that future restrictions or lockdowns would be reintroduced. Moreover, it has not been demonstrated that the business would not be viable in the absence of the proposal or that the benefit to the business would outweigh the harm that I have found. These matters carry limited weight in favour of the scheme.

12. The proposal would not result in overshadowing or loss of outlook to nearby residential dwellings. Overlooking and loss of privacy to neighbouring residential occupiers would be avoided by the use of obscure glazing. Unacceptable levels of noise and disturbance could be mitigated by the imposition of planning conditions to restrict the hours of operation and to avoid the playing of live, amplified or recorded music at any time. The absence of harm in these and other respects carries neutral weight.
13. While the appellant has carried out landscaping works in the appeal site, I note the suggestion that the site would likely not be maintained, and it would revert to an untidy state, if the appeal should fail. The potential future management of the land does not provide a justification for the proposal.
14. The Highway Authority (HA) did not object to the planning application, but its consultation response to the appeal states that it had previously misunderstood the nature of the proposal. On the basis that the proposal would be a permanent building suitable for year-round use, and not an outdoor area suitable for seasonal use, the HA now considers that it would be likely to result in a highway safety issue. This is because the intensification of use without any additional parking provision would result in on street parking pressure. While the appellant disagrees, there is little before me in relation to likely traffic generation or parking capacity. Nevertheless, as I am dismissing the appeal for other substantive reasons, this is not a matter that I need to consider further.

Conclusion

15. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
16. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR