



Appeal Decision

Site visit made on 7 March 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28TH April 2022

Appeal Ref: APP/E2340/D/22/3291575

41 The Meadows, Colne, BB8 7ET

- 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 Stuart Oakes against the decision of The Borough of Pendle.
 - The application Ref 21/0374/HHO, dated 4 May 2021, was refused by notice dated 1 December 2021.
 - The development proposed is a single-storey side extension with roof terrace accessed by external staircase and 2.5m high fence to rear and side boundaries (resubmission of planning application reference 21/0169/HHO).
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Decision

1. The appeal is dismissed insofar as it relates to the 2.5m high fence to rear and side boundaries. The appeal is allowed insofar as it relates to a single-storey side extension with roof terrace accessed by external staircase and planning permission is granted for a single-storey side extension with roof terrace accessed by external staircase at 41 The Meadows, Colne, BB8 7ET in accordance with the terms of the application Ref 21/0374/HHO, dated 4 May 2021 and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plans – 20/19/07; Proposed Plans – 20/19/04C; Proposed Elevations – 20/19/05C; and Proposed Elevation – 20/19/06C.
 - 3) The garage hereby approved shall at all times remain available for the parking of a vehicle and shall not be used for any purpose that would preclude its use for parking of a vehicle.
 - 4) Notwithstanding the details shown on the approved plans, details of an obscure glazed privacy screen shall be submitted to and approved by the Council prior to development commencing. The details shall include the height of the screen, the area to be covered and the glass specification (Pilkington Level 4 or equivalent). The privacy screen shall be erected in accordance with the approved details prior to the terrace being first brought into use and it shall be retained at all times throughout the life of the development.

Procedural Matter

2. In the light of comments made by third parties in relation to the planning application and from my observations at the site visit, I consider that the effect on the living conditions of neighbouring residents with regard to outlook and privacy should be a main issue. Further comments have been sought from the two main parties and these have been taken into account in reaching my decision.

Main Issues

3. The main issues are the effect of the proposal on the appearance of the streetscene; and effect on the living conditions of neighbouring residents with particular regard to outlook, noise and privacy

Reasons

Appearance on the Streetscene

4. The appeal property is a two-storey semi-detached modern dwelling, which is situated within a residential estate. The surrounding area contains a mixture of two storey houses and single-storey bungalows.
5. The proposal is a resubmission following the refusal of an earlier planning application (21/0169/HHO), which was for a taller extension. The current proposal is to construct a single-storey flat-roofed side extension with a terrace on the roof. The terrace would be accessed via an external staircase leading from the rear garden. In addition, the proposal includes the erection of 2.5m high fencing along the side and rear boundaries, which are shared with the neighbouring dwellings.
6. The proposed extension would be positioned in line with main front wall of the dwelling and would be used for garaging. The Council's decision notice states that the design of the extension is poor and that it would be incongruous in the streetscene. During my site visit, I noted that an extension in a similar position has been constructed at number 3 The Meadows.
7. Policy ENV2 of the adopted Local Plan Part 1 – Core Strategy (CS) generally requires all new development to be of a high standard of design. This is consistent with paragraph 130 of the National Planning Policy Framework 2021, which contains similar provisions.
8. Although it appears that the Council's preference is for the extension to be set-back from the front wall of the existing dwelling, I consider it to be acceptable as proposed. It would not be particularly prominent in the streetscene and the use of matching materials would ensure integration with the existing dwelling. Whilst the visual impact of the proposed screen around the roof terrace has also been of some concern, I consider that this can be dealt with by a planning condition (see below).
9. Therefore, on this issue, I conclude that the proposal would not conflict with Policy ENV2 of the CS and it would not have an unacceptably harmful effect on the appearance of the streetscene.

Living Conditions

10. Representations were received from neighbouring residents in response to the planning application in respect of loss of privacy and noise and disturbance from the use of the proposed roof terrace. This matter was considered by the Council's Planning Officer and it was concluded that the proposal would be acceptable. I have no reason to disagree with the officer's conclusions regarding the impact from the use of the terrace. Privacy concerns can be addressed by the erection of screening and the impact of noise is unlikely to be any greater than from the existing ground floor garden area.
11. However, I do have concerns regarding the height of the proposed boundary fencing. The garden areas of the appeal dwelling and neighbouring properties are relatively small. In addition, the property at the rear, which is number 141 Birtwistle Avenue, sits at a lower level than the appeal property. The proposed height of the fencing at 2.5m would be higher than normal in these situations and I consider that it would be an oppressive, overbearing and overly dominant feature that would be harmful to the living conditions of neighbouring occupants. Policy ENV2 of the CS also requires development to make a positive contribution to the area. In my opinion, the proposed fencing conflicts with this part of the policy.

Conditions

12. The Council has suggested conditions in the event of the appeal being allowed. I have taken these into account in my decision. In addition to the standard conditions relating to the time period for commencing the development and confirming the approved plans, I have also imposed a condition requiring the use of matching external materials.
13. The Council has suggested a condition requiring that the proposed garage be retained for the parking of a vehicle. Given the limited parking space within the site frontage, I consider this to be reasonable and necessary.
14. It has also been suggested by the Council that privacy screening be erected and retained on the roof terrace. I consider this to be both reasonable and necessary. I note that the Council's specification differs from that shown on the submitted plan, insofar that the plan shows screening (albeit at a lower height than that suggested by the Council) along the full length and width of the terrace, whereas the Council suggests that it should only be placed along part of its length. In view of this, I have imposed a condition requiring the submission of further details to be approved by the Council prior to development commencing.

Conclusion

15. For the reasons given above, it is concluded that the appeal be allowed in relation to the single-storey extension with roof terrace accessed by external staircase. With regard to the 2.5m high fence to the side and rear boundaries, the appeal is dismissed.

Ian McHugh

INSPECTOR