



Appeal Decision

Site visit made on 7 June 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2022

Appeal Ref: APP/B2355/W/21/3286741

Hawthorn House, 2 Goodshaw Lane, Rossendale, Lancashire BB4 8DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Ms Barbara Snape against the decision of Rossendale Borough Council.
 - The application Ref 2021/0580, dated 15 April 2021, was refused by notice dated 9 November 2021.
 - The development proposed is the construction of 1 dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for the construction of 1 dwelling at Hawthorn House, Rossendale BB4 8DJ, in accordance with the terms of application Ref 2021/0580, dated 15 April 2021.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle; the second (technical details consent) stage is when the detailed development proposals are assessed. Both stages are required to achieve a planning permission. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. A site layout plan showing a dwelling, parking and access points was submitted for the purpose of the application for permission in principle. I have considered this only as indicative of a development for a single dwelling.
5. Since the date of its decision, the Council has adopted the Rossendale Local Plan 2019 to 2036 [2021] (the RLP). The policies in the RLP supersede those in the Rossendale Core Strategy Development Plan Document referenced in the Council's Decision Notice. In addition to the National Planning Policy Framework (the Framework), the Council have subsequently referred me to Policy ENV1 of the RLP, as the policy most relevant to the proposed development.

Main Issue

6. The main issue is whether the site is suitable for residential development having regard to its location, the proposed and surrounding land uses, and the amount of development.

Reasons

7. There is no dispute between the main parties that the site is located within the Urban Boundary. This defines the extent of towns and villages within the Borough. Unless required in conjunction with a countryside location, Policy SD2 of the RLP directs all new development to land within the Urban Boundary as the most sustainable locations for development.
8. The site consists of part of the garden area associated with 2 Hawthorn House, a semi-detached property bordered by school grounds to the south and a detached residential property to the north. 1 Hawthorn House and its associated grounds lie to the west and a residential property at 121 Goodshaw Lane partially overlaps the plot on the opposite side of the road. Accordingly, the site is substantially bordered by residential properties on 3 sides.
9. As a proposal for housing amongst other residential properties which are located in a primarily residential area, I find that there is little reason in principle to anticipate a conflict in land uses. Although not determinative, the Council acknowledge that the illustrative plan demonstrates that sufficient space exists on the site to achieve suitable interface distances between the proposed and existing dwellings.
10. The area north of the school grounds, including the site, is less densely developed than the traditional terraces close to the main road (A682 - Burnley Road), or the later planned residential estates between the A682 and Goodshaw Lane. However, on the western side of Goodshaw Lane, plot sizes and house types vary considerably. Whilst Hawthorn House and the detached dwellings immediately to the north have relatively large plots, those beyond Driving Gate and largely continuing to the junction with Goodshaw Avenue, extend the diversity of plot shapes, sizes and house types.
11. In the context of residential development of mixed orientations and character, and in an area which is largely screened by the combination of the local topography and established tree cover, I find that the provision of a single dwelling in lieu of an existing 2-storey outbuilding would retain the predominantly residential nature of the area. As a location of little prominence, it would not appear unduly cramped or incongruous amongst the diverse character of housing development on this part of the lane.
12. Whilst the proposal would increase the density of development in the locality, a sense of spaciousness about Hawthorn House would prevail on account of the retained garden areas and open aspects to the south. The remaining garden area would include sufficient opportunities to provide amenity space associated with No2.
13. For the above reasons, I find that the principle of a single residential unit on the site would be consistent with the requirements of Policies SD2 and ENV1 of the RLP and the Framework as they require development to be located sustainably in a manner compatible with surrounding land uses and an amount appropriate to the character and appearance of the locality.

Other Matters

14. I note the concerns in relation to protected trees on the site. However, notwithstanding the illustrative proximity to the trees and expressed concern of the Council's arboricultural advisor, this is a matter for detailed consideration at the technical details consent stage when full detail of siting, design and layout would be required.
15. Concerns have been raised by a third party in respect of the use of the site by deer, badgers and other forms of wildlife, however, there is little substantive evidence to support those claims. I am therefore unable to attribute significant weight to this argument.
16. I note the concerns of the school in relation to the potential effects of additional vehicular traffic on the use of the school car park. However, as any additional traffic would be limited and merely passing through a peripheral part of the car park, I do not consider the proposal would materially increase the risk to students or car park users. Furthermore, the site benefits from 2 access points such that prospective occupiers could potentially choose to avoid busy times at the Burnley Road access.
17. Construction traffic would be for a temporary period only. Its timing and routeing could be subject to a condition controlling it in the event planning permission were granted. Furthermore, as the Council's highway advisors have found, given that the proposal is for a single dwelling it would be unlikely, in my view, to materially affect highway safety or capacity in the locality.
18. Other concerns raised by third parties, including the effects on the outlook of existing residents, overlooking of nearby properties, and wider landscape effects, are matters for detailed consideration at the technical details consent stage.

Conclusion

19. For the above reasons, the appeal should be allowed.

R Hitchcock

INSPECTOR