



Appeal Decision

Site visit made on 28 September 2022

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/B2355/D/22/3304025

102 Laneside Road, Haslingden, Rossendale BB4 6PG

- 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 Mrs Kirsten Black against the decision of Rossendale Borough Council.
 - The application Ref 2022/0054, dated 26 January 2022, was refused by notice dated 6 May 2022.
 - The development proposed is first floor build over extension and single storey rear extension and creation of widened parking area with dropping of existing kerb.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the first floor extension on the living conditions of the occupiers 100 Laneside Road by reason of outlook and daylight.

Reasons

3. The appeal site contains a two-storey detached house with a flat-roofed, single storey garage to the side. The side elevation of the garage is positioned along the common side boundary with the neighbouring property 100 Laneside Road. The two-storey side elevation of No 100 is positioned close to the common side boundary with No 102 and contains a first floor dormer window directly facing the side elevation of No 102. It appears from the evidence that the dormer window at No 100 serves a bedroom.
4. The proposed first floor extension would result in the construction of a two-storey brick wall along the common side boundary with No 100. The wall would be positioned very close and opposite the first floor dormer bedroom window at No 100. Consequently, given the height and position of the first floor extension relative to the side elevation of No 100, the outlook from the first floor dormer bedroom window would be significantly reduced such that the living conditions of the occupiers of the property would be materially affected. Moreover, daylight thorough this window would be significantly reduced due to the proximity and height of the proposed extension. The Council states that the dormer window is the sole window to the bedroom and although I have no evidence to support or contradict this, this matter has not been disputed by the appellant.

5. The appellant has drawn my attention to first floor extensions on houses on the opposite side of the road. I saw on my site visit that 111 and 113 Laneside Road have been extended so that first floor side extensions are very close to side windows in the gables of their respective neighbours. Whilst the situation in these cases would not be dissimilar to that resulting from this proposal it is not entirely clear what rooms the affected windows serve. Consequently, I cannot be certain that these examples are directly comparable to the proposal before me and I afford them limited weight.
6. I appreciate that the current arrangement of windows on the appeal site and that of No 100 affects the privacy of the occupiers of both dwellings and I note that the appellant refers to the curtains to the bedroom window at No 100 as being permanently closed. Although the closed curtains may also limit light into the bedroom at No 100 and affect the outlook from it, this is not comparable to the permanent and long term effect of having the brick wall of the proposed extension so close to the window.
7. I conclude that the first floor extension would have an adverse effect on the living conditions of the occupiers of 100 Laneside Road by reason of outlook and daylight. The proposal would therefore conflict with Local Plan¹ policies ENV1 and HS9 and the relevant policies in the National Planning Policy Framework² which, amongst other things, seek to ensure that development does not have an adverse impact on neighbours through being overbearing or oppressive or resulting in a reduction in daylight. The proposal would also be contrary to the relevant guidance in the SPD³. which seeks to ensure adequate separation distances between habitable room windows and new development.

Other Matters

8. I note that no objections have been received from the occupiers of No 100 and no other properties would be affected by this proposal. I also appreciate that the proposal represents an improvement to the current property. However, neither these nor any other matter raised justifies the harm I have identified.
9. The proposal includes a rear extension and works to the parking area and kerb as well as a first floor extension but given my conclusion with regard to the first floor extension, my findings on these other elements would not alter the outcome of this appeal and so there is no need for me to consider them further.

Conclusion

10. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J D Clark

INSPECTOR

¹ Rossendale Borough Council Rossendale Local Plan 2019 to 2036, Adopted 15 December 2021.

² Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

³ Rossendale Borough Council Alterations and Extensions to Residential Properties – A Supplementary Planning Document (SPD), June 2008.