
Appeal Decision

Site visit made on 8 November 2022

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 11 November 2022

Appeal Ref: APP/R2330/D/22/3305247

61 Oakwood Road, Accrington BB5 2PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, [Part 1, Class A, Paragraph A.4] of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Syed M Kadir against the decision of Hyndburn Borough Council.
 - The application Ref 11/22/0193, dated 14 February 2022, was refused by notice dated 22 June 2022.
 - The development proposed is a rear single storey extension.
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Decision

1. The appeal is dismissed.

Reasons

2. The provisions of the GPDO require that the local planning authority assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner, noting the representations made by the occupiers of neighbouring dwellings.
3. Nos 59 and 61 are a pair of semi-detached houses on the eastern side of Oakwood Road. The street slopes gently down from south to north such that the ground floor and garden level of No 59 are slightly lower than those at No 61.
4. The extension, which would have a height of about 2.5m to the eaves and a ridge height of just under 3.8m, would abut the common boundary with No 59 and project out 6m from the original rear elevations. No 59 has a living room window close to the boundary.
5. Due to its depth and height relative to No 59, the blank flank wall and roof of the extension would appear overpowering when seen from the living room window and rear garden and create a sense of enclosure. The extension would dominate a significant part of the fairly compact adjacent rear garden. Although views down the rear garden would remain, the outlook for occupiers of No 59 would be unacceptably harmed.
6. The existing fence panel and boundary privet hedge, the latter currently being about 2.5m high, already provide some enclosure to the boundary. The roof would gently slope away from the common boundary. However, the solid form

of the extension and greater overall height would make it more oppressive than the existing boundary features which do not have the same permanence as an extension.

7. Although there are a number of rear extensions in the immediate vicinity and many of these span the full width of the host properties, I did not see any nearby which had a depth of 6m. Furthermore, there are garages and outbuildings in some of the rear gardens but the relationship of these structures to adjoining properties did not appear to be directly comparable to that which would result from the appeal proposal.
8. With regard to daylight reaching the living room and garden, there may be some diminution as a result of the development. However, taking into account the proposal's relatively low profile, the loss of daylight is unlikely to be significant. For the same reason, although the extension would be to the south of No 59, there would be no material loss of sunlight.
9. Although the dwelling to the rear, No 34 Woodfield Avenue, is at a lower level, there is a 2m fence on the dividing boundary and a garage in its rear garden. As the only opening on the rear elevation of the extension would be a doorway, no significant overlooking of No 34 would arise from the development. Nos 32 and 36 Woodfield Avenue would not be materially affected by the proposal.
10. There would be sufficient separation between the extension and No 63 Oakwood Road such that any adverse effects on outlook and light would be limited. Screening could be provided on the common boundary to prevent overlooking from the windows in the side elevation.
11. For the above reasons I conclude that the proposal would be unacceptably harmful to the living conditions of the occupiers of No 59 Oakwood Road, with particular reference to outlook, but would have a limited impact on other adjoining residents.
12. There is no statutory requirement to determine a prior approval application in accordance with the development plan as the principle of development is established through the GPDO. That said, Policy DM29 of the Hyndburn Development Management Development Plan Document is a material consideration and supports my findings in that it seeks to prevent new development creating an unacceptable increase in enclosure or loss of outlook.
13. I have given some weight to the Council's Householder Design Guide Supplementary Planning Document that suggests a 4m limit to the depth of single storey rear extensions on semi-detached houses. However, as the provisions of the GPDO indicate that larger extensions may be acceptable in principle, my decision is primarily based on a site-specific assessment.
14. For the reasons given above, I conclude that the appeal should be dismissed.

Mark Dakeyne

INSPECTOR