
Appeal Decision

Site visit made on 7 November 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2022

Appeal Ref: APP/B2355/D/22/3302104

13 Esk Avenue, Edenfield, Bury, Lancashire BL0 0JA

- 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 James Richards of Richards Developments (Ramsbottom) Ltd against the decision of Rossendale Borough Council.
 - The application Ref 2022/0063, dated 2 February 2022, was refused by notice dated 30 May 2022.
 - The development proposed is first floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension at 13 Esk Avenue, Edenfield, Bury, Lancashire BL0 0JA in accordance with the terms of the application, Ref 2022/0063, dated 2 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: un-numbered location plan; un-numbered proposed site plan; 22/678/02; 22/678/03; and 22/678/05.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. Development was underway at the time of my site visit which appeared to be related to the implementation of an extant permission. I have therefore determined this appeal on the basis of the submitted plans.

Main Issue

3. The main issues are the effect on the character and appearance of the area and the living conditions of occupiers of 26 Blackburn Road with particular regard to overlooking and loss of privacy.

Reasons

Character and appearance

4. The appeal property is a bungalow occupying a conspicuous position on the junction of Esk Avenue and Blackburn Road due to the open nature of the junction and the raised ground levels of the appeal site relative to Blackburn

Road. While the surrounding area is residential, it has a mixed character and appearance, with a range of house types and configurations, scales, designs and materials readily in view. This results in a varied streetscape. The majority of the surrounding dwellings have two storeys.

5. The appeal proposal would substantially increase the scale and mass of the dwelling through the introduction of a first floor and the associated increase in the height of the dwelling.
6. Topographical differences mean that the roof level of the existing bungalow appears similar to other dwellings. In this sense the appeal proposal would increase the height of the dwelling to a little above that of its immediate neighbours. Nonetheless, it would be viewed in the context of the varied local topography and dwelling types which contain a range of roof-forms. As such it would not appear incongruous or unusual in the existing diverse local streetscape. Similarly, whilst it would be prominent in views from Blackburn Road due to its elevated corner position, it would be seen in the context of the differing positions, forms and scales of the dwellings lining this route. It therefore would not appear unusual or incongruous and would integrate reasonably into the wider street scene. In addition, the design would respect the existing dwelling in that it would retain and extend the chimney and gable feature on the front elevation. The pattern of fenestration on the first floor would be related to that on the ground floor.
7. In relation to this main issue, I therefore conclude that the appeal proposal would have an acceptable effect on the character and appearance of the area. This would be in accordance with Rossendale Local Plan 2019 to 2036 adopted December 2021 (RLP) Policies ENV1 and HS9 which seek to ensure that extensions respect the existing house and surrounding buildings.

Living conditions

8. The second reason for refusal cites overlooking and the consequent loss of privacy to the rear garden of 26 Blackburn Road (No 26) which is bounded by properties on Blackburn Road, Burnley Road and Esk Avenue. The most direct relationship is with those properties on Burnley Road directly to the rear. As these dwellings are elevated relative to No 26 they are a visible presence in the rear garden area. The adjoining property on Blackburn Road has first floor side windows which face onto the rear garden of No 26. As such, a degree of overlooking is commonplace. That said, the appeal property positioned to the side of No 26, and is angled such that the relationship of overlooking is less direct than that with the Burnley Road and Blackburn Road properties.
9. The nature of the proposal is such that there would inevitably be an increase in overlooking from the appeal site to the side and to a lesser degree the rear garden area of No 26. However, the degree of additional overlooking would be mitigated by the fact that this is not a direct relationship. Furthermore, it must be seen in the context of the existing levels of privacy between neighbouring properties. Given this, and the current extent of overlooking to No 26, the increase in overlooking as a result of the addition of a first floor to the appeal property would not be so severe as to be materially harmful to the privacy and therefore living conditions of the occupiers of No 26.
10. I note that the Council has not raised any concerns with regard to possible overlooking between the windows of the appeal property and those of No 26.

Noting particularly that these windows would not directly face each other, I did not observe anything on my site visit to lead me to reach a different conclusion.

11. In relation to this main issue, I therefore conclude that the appeal proposal would have an acceptable effect on the living conditions of occupiers of 26 Blackburn Road with respect to overlooking and privacy. This would be in accordance with RLP policies HS9 and ENV1 which seek to ensure that house extensions will not have an unacceptable adverse effect on the amenity of neighbouring properties.

Other Matters

12. Both parties have referred to the 'Alterations and Extensions to Residential Properties' Supplementary Planning Document published in June 2008. It does not provide specific advice on the construction of additional floors to properties. I therefore attach limited weight to the advice contained within this document.
13. I note the references to previous decisions and policies. However, a new development plan has been adopted in the intervening period and I have assessed this appeal against the policies within that plan.
14. The long term intentions of the appellant with regard to the property are not material to the determination of this appeal.

Conditions

15. The Council has suggested several conditions should the appeal be allowed. I have had regard to these in light of the advice contained within the Framework and the Planning Practice Guidance.
16. The standard time limit and approved plans conditions should be imposed in the interests of certainty. The materials should match the existing dwelling to ensure the extension complements the existing dwelling.

Conclusion

17. For the reasons given above, the appeal is allowed.

J Downs

INSPECTOR