



Appeal Decision

Site visit made on 24 April 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/B2355/D/23/3316133

272 Helmsore Road, Haslingden, Rossendale BB4 4DJ

- 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 Paul Horridge against the decision of Rossendale Borough Council.
 - The application Ref 2022/0394, dated 17 July 2022, was refused by notice dated 13 December 2022.
 - The development proposed is two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension at 272 Helmsore Road, Haslingden, Rossendale, BB4 4DJ in accordance with the terms of the application Ref 2022/0394, dated 17 July 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: GH_001/01 Rev P1 (existing plans & elevations), proposed floor plans and HSR-16-07-22-2 (proposed elevations and site plan).
 - 2) The external surfaces of the development hereby permitted shall be constructed in the materials stated on plan HSR-16-07-22-2 (proposed elevations and site plan).

Preliminary Matters

2. I have taken the appeal site address in the heading and formal decision above from the appellant's appeal form as this is a more accurate reflection of the site location.
3. A two-storey extension has been constructed at the appeal site. The proposal before me seeks to alter the roof and materials of the extension built. Therefore, for the avoidance of doubt, I have assessed the appeal proposal and based my decision on the plans before me.

Main Issues

4. The main issues are, the effect of the proposed development on:
 - The character and appearance of the host property, terrace and surrounding area; and
 - The neighbouring protected trees.

Reasons

Character and appearance

5. No 272 is a two-storey, end of terrace dwelling situated in primarily a residential area. Although the extension is to the rear of the dwelling, it would be visible from numerous public vantage points including Dean Road, the neighbouring publicly accessible open land (referred to as the orchard by residents) and Helmsore Road. Extensions such as that proposed are not a common feature within the surrounding area.
6. The Inspector, in the appeal decisions¹ relating to the built extension, extended the compliance period to enable the appellant to explore with the Council whether an alternative development, retaining part of the existing structure, might be possible. The Inspector's concerns appeared to primarily relate to a combination of the of the size, form, design and materials of the extension.
7. The ground floor element extends to the common boundary shared with 270 Helmsore Road and the first-floor extension covers a large amount of the rear wall of the host property. The proposed pitched roof would increase the height of the extension. Nonetheless, the roof ridge would be set down considerably from the original building's, and wider terrace's, roof ridge. The proposed pitched roof and render would be a significant improvement compared to the existing flat roof (albeit the ground floor element would maintain a sloping roof) and vertical timber boarding.
8. The extension would be visible from public vantage points, but it would not be unduly prominent. This is because the proposal would complement the host building, terrace and character of the surrounding area by respecting the design, proportions, scale and materials of the building so as not to dominate it. The extension's scale would not be excessive and would not detract from the character of the host building or surrounding area. Furthermore, No 272 has a much larger garden than the nearby dwellings and the proposal would not result in overdevelopment of the site. Having regard to the size, form, design, position and materials of the extension it would read as a subordinate addition and would be sympathetic to the host dwelling, terrace and surrounding area.
9. For these reasons, the proposal would not cause harm to the character and appearance of the host property, terrace and surrounding area. Consequently, it would comply with Policies ENV1 and HS9 of the Rossendale Local Plan 2019 to 2036 (2021) (LP). These seek, amongst other matters, to ensure extensions respect the existing house and the surrounding buildings in terms of scale, size, design, and materials. It would also comply with chapters 12 and 15 of the National Planning Policy Framework (the Framework) which seek to ensure developments are sympathetic to local character, and conserve and enhance the natural environment. In addition, the proposal would be compliant with the Council's Alterations and Extensions to Residential Properties Supplementary Planning Document (2008). This states, amongst other things, that extensions should achieve a high standard of design, complement the original building and not detract from the character of neighbouring buildings.

¹ APP/B2355/C/21/3289941 and APP/B2355/C/21/3289942

Trees

10. Adjacent to the appeal site are a number of trees which are subject to a Tree Preservation Order (TPO). The trees make a positive contribution to the area. In the previous application, the Council did not raise concerns in relation to the trees. Nonetheless, the Council's tree consultant is concerned that roots may have been damaged when the existing extension was constructed. Local residents have also raised concerns in relation to the trees. However, no substantive evidence has been provided to demonstrate that the extension has harmed the trees.
11. As part of the appeal, the appellant has submitted an Arboricultural Implications Assessment. The appellant highlights that this concludes that the development would not have had a detrimental impact upon the existing trees. However, this report did not form part of the planning application. The Council (including their tree consultant) and objectors have not had the opportunity to comment on the report. I have therefore considered the appeal on the basis of those details on which the Council based its decision, in order to avoid prejudice to the Council and local residents.
12. In any event given the siting of the extension in relation to existing built development, distance to the TPO trees, species, age and condition of the trees, and lack of substantive evidence to suggest otherwise, based on the information presented, I am satisfied that the extension does not have an unacceptable effect on the neighbouring protected trees (including root protection areas) and would not result in the loss of any of the trees.
13. For these reasons, the proposal would comply with Policies ENV1 and ENV10 of the LP. These state, amongst other matters, that development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees. It would also be compliant with sections 12 and 15 of the Framework which seek to conserve and enhance the natural environment and states trees make an important contribution to the character and quality of urban environments, and decisions should ensure existing trees are retained wherever possible.

Other Matters

14. In addition to concerns relating to the main issues, objection comments have raised other matters. They include concerns relating to ecology, bats, wildlife, living conditions (including light and privacy), drainage, land ownership, strain on existing community facilities, precedent, would support a single-storey extension, highway safety and level of publicity. The Council's reasons for refusal did not relate to the other matters raised.
15. Having regard to the scale and siting of the extension (within an existing garden), the proposal would not have an unacceptable effect on ecology, bats, wildlife or community facilities.
16. Taking into account the depth of the extension and distance between the first-floor element and 270 Helmsore Road, the proposal would not unduly affect the level of light of neighbouring properties or appear unduly overbearing. The windows are orientated to overlook the host dwelling's garden, and taking into account the previous location of windows, the proposal would not result in unacceptable overlooking of neighbouring properties or loss of privacy. Furthermore, considering the findings of the Inspector in the previous appeals

and the scale of the development, the proposed development would also not result in unacceptable surface water drainage. The proposed extension would therefore not cause unacceptable harm to the living conditions of neighbouring occupiers.

17. Concerns relating to encroachment onto neighbouring property is a private legal matter rather than a planning matter. In any event, the appellant has confirmed that the extension was built on land wholly owned by the applicant.
18. I understand the concerns regarding establishing a precedent. However, each development proposal must be considered on its own merits. Whilst I have found this scheme to be acceptable it does not follow that further schemes would be permitted.
19. In terms of support for a single-storey extension, my role is to determine the appeal based on the planning merits and impacts of the proposed development before me.
20. In relation to highway safety, loose chippings, and visibility issues due to the fence, the proposal before me does not propose to alter the parking area or access to the site. In addition, the scale of the proposal does not result in the need for the parking or access areas to be altered. Therefore, the extension would not have an unacceptable impact on highway safety.
21. The Council confirmed in their officer's report that the publicity of the application was in accordance with the requirements of the planning legislation, and I see no reason to disagree.
22. There is no credible evidence before me that would lead me to an alternative conclusion to the Council on the other matters raised, or that could justify the dismissal of the appeal on these grounds.

Conditions

23. I have considered the conditions suggested by the Council and in consultation responses. As the development has already started a commencement condition is not necessary. I have imposed a condition specifying the relevant plans as this provides certainty. In the interests of the character and appearance of the area it is necessary that appropriate materials are used in the completion of the development.
24. Lancashire County Council recommended a planning condition relating to the parking area. However, I agree with the planning officer that such a condition is not reasonable as the proposal does not seek to alter the parking or access arrangements. The proposed development would not have an unacceptable effect on highway safety and such a condition is not necessary. Thus, the condition would not meet the tests set out in paragraph 56 of the Framework.

Conclusion

25. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal succeeds subject to the attached conditions.

L Wilson
INSPECTOR