



Appeal Decision

Site visit made on 25 April 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/B2355/D/22/3312613

Edge Cote Farm, Chapel Hill Lane, Rawtenstall BB4 8TB

- 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 Shaw against the decision of Rossendale Borough Council.
 - The application Ref 2022/0340, dated 29 June 2022, was refused by notice dated 26 October 2022.
 - The development proposed is a first floor, rear, oak framed extension, linking the dwelling to the upper garden, to the north; Cement based render removed & replacement with lime render; Removal of the tiled, mono-pitch roof to the south & west elevation corner, replaced with a flat roof, first floor, patio concealed within a stone parapet and black metal handrail; False stone arch removal to the former barn opening and replaced with an oak framed rectangular opening; Addition of French doors to the south elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above has been taken from the application form, which is the same as that given on the decision notice but different to that on the appeal form. For the avoidance of doubt, I have used the address given on the application form.
3. The description of development on the application form appears to contain arguments in support of the proposal. These are not acts of development in themselves. I have therefore used the description from the Council's decision notice as this provides a more accurate description of the proposed development. It does not change the development for which planning permission is sought. The appellant uses the same description on their appeal form. Consequently, I am satisfied that no party will be prejudiced by my use of it.
4. Following the decision of the Council, the appellant has submitted a Daytime Bat Survey (Rachel Hacking Ecology November 2022) (Bat Survey) with the appeal. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. Furthermore, because the appeal has been submitted under the Householder Appeals Service there is no opportunity for interested parties to comment. On that basis, in the interests of fairness, I

have determined the appeal on the basis of the information that was before the Council when it made its decision and on which parties were consulted.

Main Issues

5. The main issues are the effect of the proposal on:
- The character and appearance of the host property; and
 - Protected species, namely bats.

Reasons

Character and Appearance

6. The appeal site is located outside of the urban boundary within open countryside. It comprises a detached stone dwelling of predominantly traditional form and materials occupying a relatively solitary hillside position. There are several public rights of way that interlink with the site and wider open countryside, notably along the southern boundary of the site and to the east and west.
7. Due to the rising topography of the surrounding area, notwithstanding trees enclosing parts of the site, it sits in a prominent location on an inclined hillside. Therefore, given the position and characteristics of the open rural land, the appeal site positively contributes to the character and appearance of this part of the countryside.
8. The proposal includes extensions to the rear and side of the property. The Council's Alterations and Extensions to Residential Properties Supplementary Planning Document (2008) (the SPD) states that, as a guideline the Council generally considers proposals for domestic extensions in the Green Belt and/or countryside should not normally exceed a third (30%) of the volume of the original dwelling.
9. The appellant has provided photographic evidence of the property as it existed circa 1960 and also some volumetric calculations. I note these do not include the detached garage nor the single storey blockwork rear outrigger I saw at my site visit, both of which appear to have been constructed since 1948. In the absence of comprehensive and comparable measurements of the original and proposed buildings, there is insufficient evidence to enable a robust comparison. Nevertheless, I consider the scale of the proposed extensions would be modest, particularly given the relatively large size of the property and I am satisfied that they would not be disproportionate additions to the dwelling.
10. Notwithstanding my conclusion on proportionality, the officer report sets out clear reasons why the Council considers the side extension and changes to fenestration would be unacceptable with particular regard to the character and appearance of the host property. However, there is no reference to the rear extension in this regard. Consequently, the appellant's submission disregards consideration of the proposed rear extension, even though it is cited in the Council's second reason for refusal. I have no evidence before me to conclude differently and for the avoidance of doubt my considerations in terms of character and appearance focus upon the proposed side extension and fenestration alterations.

11. While the dwelling may not be a designated or non-designated heritage asset, it is nonetheless a farmhouse of traditional vernacular form and materials incorporating a two-storey projecting front gable and catslide roof to the rear, giving the dwelling a strong identity and consistent character in the rural locality. The proposal would replace an unobtrusive lean-to roof on the side of the dwelling with a flat roof enclosed by a stone parapet and black metal handrail.
12. Even though the volume of the proposed side extension would be limited, the height of the stone parapet would fall roughly in line with the eaves of the main dwelling which would result in a prominent, incongruous and bulky flat roof addition. The extent of stonework between the parapet and the head of the existing window would emphasise the height of the extension and jar with the proportions of the host dwelling.
13. The photographic examples of other flat roof extensions provided in the appellant's submission are all single storey, with a height below the cill of first floor windows and well below the eaves of the main building. They are therefore not directly comparable to the proposal before me. Indeed, this evidence confirms my view that the height and design of the proposed side extension would detract from the overall appearance of the property. Given its prominent location on the side of the dwelling, its discordant effect would be plainly visible from views along the public rights of way. Although the choice of materials may be of a high quality and would replace non-traditional roof material, I find they would fail to overcome the proposal's obtrusive scale and design.
14. The Framework confirms that great importance should be attached to the design of the built environment. I recognise that innovation, originality and initiative should not be stifled, as advocated in the National Design Guide and there may be occasions where old and new can sit comfortably side-by-side. However, the Framework also indicates that it is proper to promote or reinforce local distinctiveness. Furthermore, the SPD confirms that flat roof extensions will not be permitted.
15. With the exception of the 'barn' opening, a predominant feature of the fenestration on the principal front elevation of the existing property is that it derives its context from original modest sized window openings, commonly seen on similar traditional buildings in the area and evidenced in the appellant's 1960's photograph. The proposed replacement of the ground floor window with a large opening on the principal elevation would appear conspicuous and harm the rhythm and scale of the existing fenestration. It would therefore detract from the vernacular appearance of the building.
16. However, the proposed oak framed glazed opening with bi-fold doors would retain a similar proportion to the existing barn opening, which, from the evidence presented, is not original. Therefore, this proposed fenestration alteration would not harm the character and appearance of the building and would be acceptable.
17. The proposal also includes changes to external materials. The Council has raised no concerns regarding the replacement of concrete render with lime render and the officer report confirms other proposed materials are acceptable. I have no reason to disagree.

18. While the proposed development would comply with some of the criteria listed within Policies HS9 and ENV1 of the Rossendale Local Plan 2021 (RLP), for the reasons given above, I conclude on this main issue that the proposal would harm the character and appearance of the host property as a whole. Consequently, it would conflict with criterion a) of Policy HS9 and criterion a) of Policy ENV1. These policies seek to ensure that extensions respect the existing house and surrounding area in terms of, amongst other things, scale, design and fenestration; objectives shared with the SPD. It would also conflict with the aims of the Framework which require new development to be sympathetic to local character.

Protected Species and habitats

19. The Council has identified the potential of the development to have an adverse effect on protected species, namely bats, due to the removal of roofing on a traditional building in open countryside and nearby woodland. Regulation 9 of the Conservation of Habitats and Species Regulations 2017 imposes a duty on me to have regard to the likelihood of bats, a European Protected Species, being present and affected by the proposed development.
20. In support of the appeal, the appellant has provided a Bat Survey. However, for the reasons set out above, I am unable to take the Bat Survey into account in the determination of this appeal. Accordingly, I conclude that there is insufficient information to establish whether the proposal would affect a protected species, namely bats. The proposal therefore conflicts with Policy ENV4 of the RLP and guidance within the Framework which, together, seek to protect and enhance biodiversity.

Other Matters

21. I have had regard to the appellant's fallback position that the side extension could be permitted development. However, there is little evidence before me to support this claim. Therefore, I cannot be sure that it would have a greater than theoretical possibility of being implemented in order to be a realistic or probable alternative. This does not provide a compelling ground on which to allow the appeal.
22. The Council's handling of the planning application has not affected my findings on the planning merits of the scheme.

Conclusion

23. For the reasons set out above, the proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.
24. Therefore, the appeal should be dismissed.

A Veevers

INSPECTOR