



Appeal Decision

Site visit made on 31 May 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2023

Appeal Ref: APP/B2355/W/22/3313539

Deerplay Rest Home, 10 Heald Lane, Weir, Bacup, Lancashire OL13 8NZ

- 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 Adam Camps and Damon Gledhill, MSC & James Grace Developments Ltd, against the decision of Rossendale Borough Council.
 - The application Ref 2022/0437, dated 23 August 2022, was refused by notice dated 9 December 2022.
 - The development proposed is conversion and alterations of a former care home with attached Sunday School into an apartment building with six dwellings plus three attached town houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the application the scheme was amended. The Council determined the proposal on the basis of the amended plans, as have I.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the building and the surrounding area.
 - The living conditions of occupiers of neighbouring dwellings at 3 and 5 Scar End Close, with particular regard to overlooking.

Reasons

Character and Appearance

4. The appeal building has retained the form of its former use as a chapel and Sunday School, even though it was most recently used as a care home and is now vacant. It is a solid stone building with architectural detailing on the main front elevation and includes a cupola on the roof. Even though it is flanked by relatively modern housing, it commands a prominent position on the rise of Heald Lane opposite a public recreation area.
5. The surrounding area is predominantly residential, characterised in the main by brick detached and semi-detached dwellings with frontage driveways and rear gardens. I saw at my site visit, that the rear part of the building was in a dilapidated condition. Nonetheless, the cohesive overall substantial form and character of the building contributes positively to the street scene and surrounding area.

6. The existing rear elevation of the building would be demolished and a new elevation constructed slightly further from the rear boundary of the site than the existing footprint. The proposed rear elevation would introduce a design and massing starkly at odds with the form and scale of the existing building. While the roof height would remain the same, the truncation of the existing rear roof slope and the inclusion of an additional floor in lieu of a traditional pitched roof would create an incongruous eaves line which would be higher than the rest of the building.
7. In combination with the flat roof dormers built off the elevation, this would result in significant harm to the existing vernacular form. The width of each dormer would further exacerbate their scale and prominence when viewed from the rear and would highlight the 3-storey appearance of this elevation. This would result in a significant sense of massing, in contrast with the 2-storey appearance of the main building and the 2-storey scale of residential development in the surrounding area.
8. Although the main alterations to the building would be at the rear, due to the rising topography, this elevation is clearly visible when viewed from dwellings to the rear of the site and from the numerous gaps between other surrounding dwellings, particularly from Scar End Close cul-de-sac. The proposed alterations would appear bulky and conspicuous and would therefore not enhance the visual composition of the building or the street scene.
9. I have had regard to the variety in the appearance of other buildings in the area, and my attention has been drawn to the dormer bungalows on Heald Lane. Whilst these properties indicate the different designs, age and materials of surrounding buildings, none are three storey or have the distinctive appearance of the appeal site. I do not consider that the presence of these nearby properties and dormers provides a justification for the appeal proposal.
10. Even though no evidence has been provided of guidance preventing the inclusion of dormers, the National Planning Policy Framework (the Framework) confirms that good design is a key aspect of sustainable development¹. I find the proposed alterations to the rear of the appeal building would dilute its original character and be discordant within its surroundings.
11. I note the Council's concerns that, due to the number of proposed residential units the building would accommodate and the requirement for on-site parking, much of the plot would include hardstanding. This would include parking bays at the front of the building, which the Council contend would harm the character and appearance of the street scene. In addition, they assert that limited landscaping would remain as outdoor amenity space for future residents which would represent overdevelopment of the site. While reference is made in the officer report to neighbour amenity in this context, I have been given no substantive reason why. Overdevelopment is only referenced in the fourth reason for refusal in terms of the effect on the 'visual amenity' of the area.
12. It is clear that the existing building fills a considerable amount of the plot. However, the proposed scheme would reduce the overall footprint of the building, providing more space for access and parking. Although the proposal would require the partial removal of the boundary wall fronting Heald Lane to

¹ Paragraph 126

create a wider vehicle access and two parking bays, the remaining stone wall and piers would be retained.

13. Consequently, the character and appearance of the site's frontage would not be substantially altered when viewed from Heald Lane. Moreover, the appearance of the frontage would not be unlike several properties along Heald Lane that have driveways and parking at the front and the proposed landscaping would enhance the appearance of the site. The proposed alterations to the frontage would therefore not detract from the building or the street scene.
14. I acknowledge the overall bulk and plot coverage results in an imposing building with little space around it. Consequently, there is limited space to provide both off-street parking and private outdoor amenity space. The proposed area of landscaped outdoor amenity space would be located between the building and the boundary with 12 Heald Lane. This area is currently laid to grass and includes a retaining wall and hedge. Although the space is not substantial, in the absence of any standards put to me, and recognising the constrained building to plot ratio, I am satisfied adequate space would be provided around the building for both the parking needs and outdoor amenity of future occupiers. In reaching this decision, I have also had regard to the proximity of a public children's playground and playing field directly across the road from the site. Therefore, the proposal would not constitute over-development of the site.
15. Although the appeal site is not located in an area subject to any formal heritage designation, Policy ENV1 of the Rossendale Local Plan 2019 to 2036 (LP) requires proposals to take account of the character and appearance of the area.
16. For the reasons given above, whilst I find the proposed alterations to the site frontage to be acceptable and that the proposal would not be overdevelopment of the site, the proposed scale and design of the rear elevation would have a harmful effect on the character and appearance of the building and the surrounding area. Therefore, the development would conflict with Policy ENV1 of the LP which aims, amongst other things, for all new development to take account of the character and appearance of the local area. It would also fail to accord with the aim of the Framework to achieve well-designed places.

Living Conditions

17. The rear elevation of the proposed development faces towards the rear elevations of 3 and 5 Scar End Close (No.3 and No.5), which sit at a higher land level to the appeal site. These rear elevations include windows at first and ground floor and each dwelling incorporates private rear outdoor space adjoining the boundary of the site.
18. There is disagreement between the main parties in terms of the separation distance between the rear elevations of No.3 and No.5 and the rear elevation of the proposed development. Even if the Council's lower figure is taken, it would accord with the Council's Alterations and Extensions to Residential Properties Supplementary Planning Document (2008) (SPD) which requires that a minimum distance of 20m between directly facing habitable room windows is maintained. This is relevant in so far as it provides an indication of how the Council assesses the effects of development on neighbours, albeit intended to address domestic extensions on existing residential properties.

19. I have had regard to representations from interested parties concerning this main issue. Whilst the effect of a completely new development on living conditions of neighbouring occupiers needs consideration on its own merits, I am satisfied that the proposal would not result in significant overlooking of No. 3 and No.5. In reaching this view, I am mindful of the increase in separation distance required in the SPD where new accommodation is provided at a higher storey.
20. Although the proposed development would be 3-storey at the rear, direct views towards the rear facing windows and gardens of No.3 and No.5 would be limited at ground and first floor level due to level differences and boundary treatment. While the second floor rear windows serving the proposed development would offer views towards No.3 and No.5, the separation distance would be compliant with the Council's SPD when taking account of the lower ground level of the appeal site and the general separation distances prevalent in the layout of surrounding dwellings.
21. For the reasons set out above, the proposed development would not harm the living conditions of the occupiers of No.3 and No.5, with particular regard to overlooking. The proposal would therefore comply with Policy ENV1 of the LP which requires that new development does not have an unacceptable adverse impact on neighbouring development by virtue of, amongst other things, overlooking.

Other Matters

22. The appellant does not dispute that the Council have a 5 year supply of housing land. Therefore, the presumption in favour of sustainable development as set out in paragraph 11d)ii of the Framework is not engaged.
23. Nonetheless, the proposal would accord with the aim of the Framework to significantly boost the supply of housing. It would also represent a small and windfall site that the Framework identifies as being able to make an important contribution to housing. There would be economic benefits arising from the construction and subsequent occupation of the building. The site is in an accessible location and would contribute a mix of dwelling sizes providing a social benefit and an efficient use of land. Given the scale of the proposal I give these benefits moderate weight.
24. Even if I were to agree that there was no harm with regard to highway safety, flooding, noise and disturbance and biodiversity, the absence of harm is neutral and does not weigh in favour of the proposal.
25. I note the appellant's willingness to engage collaboratively with the Council and disappointment in respect of the lack of dialogue during the planning application process. However, this has had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.
26. I have also had regard to other matters raised by interested parties, comprising but not limited to, access, highway safety, parking, air and light pollution, biodiversity, proximity to surrounding residential properties, noise and disturbance, effect on local community infrastructure and services, drainage and bin storage. However, as I am dismissing the appeal on the main

issue of character and appearance for the reasons cited above, I have not addressed these matters further.

Conclusion

27. I have found that the proposed development would provide appropriate living conditions for the occupiers of No.3 and No 5 with regards overlooking, the character and appearance of the site frontage would be acceptable, and the proposal would not be overdevelopment of the site. Nevertheless, these matters do not outweigh my findings in respect of the scale and design of the proposed rear elevation on the character and appearance of the building and the surrounding area.
28. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
29. For the above reasons, I conclude that the appeal should be dismissed.

A Veevers

INSPECTOR