



Appeal Decision

Site visit made on 13 June 2023 by N Unwin BSc (Hons) MSc

Decision by Chris Forrett BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2023

Appeal Ref: APP/B2355/D/23/3319958

41 Booth Road, Bacup, Lancashire OL13 0SF

- 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 D Kierans against the decision of Rossendale Borough Council.
 - The application Ref 2023/0013, dated 29 December 2022, was refused by notice dated 4 April 2023.
 - The development proposed is a two-storey side and rear extension.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. At the time of the site visit, building works were underway for a side and rear extension. The building works being undertaken appeared similar to the works granted by planning permission 2021/0133 which included a two-storey side and a single storey rear extension. That said, I have determined this appeal on the basis of the submitted plans.

Main Issue

4. The main issues are the effect of the proposal on i) the character and appearance of the host property and surrounding area; and ii) the living conditions of the occupiers of 1 Glenborough Avenue, with particular regard to privacy and outlook.

Reasons for the Recommendation

Character and Appearance

5. The area surrounding the appeal site is residential in character with the street scene formed mostly of terraced and semi-detached two storey dwellings. These dwellings are largely of an understated design, and of a well-proportioned modest scale giving the area an attractive character. Whilst many of these dwellings have been altered and extended, some at two storey level, these have been carried out sensitively so as to remain subservient to the host dwelling, retaining their original character.

6. The appeal property is a semi-detached, two-storey dwelling on the corner of Booth Road and Glenborough Avenue. Due to its close relationship with these, the host dwelling appears prominent within the street scene, particularly when viewed from Glenborough Avenue due to its much narrower and enclosed nature. Like the surrounding dwellings, the appeal property is simple in design and well-proportioned, making a positive contribution to the street scene. There is an existing single storey extension to the rear of the appeal property, however due to its relatively small scale it is subservient to the host dwelling and does not detract from its original character and form.
7. The proposal would result in a two-storey side and rear extension with a pitched roof rear gable. The front elevation of the proposed two storey side extension would be slightly recessed from the front elevation of the host property in addition to having a lower ridge height. These design features would allow the front elevation of the proposal to appear subservient to the host dwelling when viewed from Booth Road.
8. However, in contrast to the permission already granted by the Council, the proposal would project at two storey level appreciably beyond the existing rear first floor building line of the host dwelling. This would create a far more substantial massing to the resultant building that, due to its two storey scale, would appear dominant and out of character when viewed from Booth Road and particularly Glenborough Avenue. This level of development, primarily as a result of the two-storey element which projects beyond the main rear elevation of the existing property, would be at odds with the modest proportions of the existing dwelling. As such, the scale of the proposal would result in an overly dominant development which would not be subordinate to the host dwelling, eroding its simple and well-proportioned character. It would accordingly result in an unacceptable impact on the character and appearance of the surrounding area.
9. The proposal would thus conflict with the objectives of Policies HS9 and ENV1 of the Rossendale Local Plan 2019 to 2036 (2021), and the guidance set out within the Alterations and Extensions to Residential Properties Supplementary Planning Document (2008) (SPD), which together broadly seek to ensure that new development is in keeping with the character and appearance of the host dwelling and surrounding area.

Living Conditions

10. The appeal property borders onto the side of No. 1 and there is a high fence along this boundary. The driveway to No. 1 is adjacent to the site boundary, beyond which is a further hardstanding area to part of the frontage of the property. At the time of my visit there was car parked in front of the house, with the remaining frontage having a storage building, multiple potted plants, outdoor chairs, in addition to a small paddling pool on the remaining grassed area. Whilst my site visit represents a snapshot in time, the presence of the above indicates that the front grassed garden of No. 1 is used by the occupiers for recreational purposes.
11. No. 1 is set at a slightly lower land level than the appeal site with the proposal resulting in the first-floor elevation, and therefore the Juliette balcony, encroaching further towards the shared boundary than that of planning permission 2021/0133. Nevertheless, the presence of the wide driveway and hardstanding area provide an appreciable separation distance between the

front grassed garden area of No. 1 and boundary with the appeal site, reducing the impact of the proposal on the privacy and outlook of its users to an acceptable level. Furthermore, the rear windows of No. 1 are set at right angles to the appeal site, limiting the proposal's impact on outlook from these viewpoints. As such, the proposal would not unacceptably harm the privacy or outlook of the occupiers of No. 1.

12. The proposed rear extension would not therefore cause unacceptable harm to the living conditions of the occupiers of No. 1, with particular regard to privacy and outlook. Consequently, it would accord with the objectives of Policies HS9 and ENV1 of the Rossendale Local Plan 2019 to 2036 (2021), and the guidance set out within the Alterations and Extensions to Residential Properties Supplementary Planning Document (2008), which together broadly seek to ensure that new development does not result in an unacceptable impact on the living conditions of neighbouring occupiers through loss of privacy, amongst other matters.

Other Matters

13. I have also had regard to the representations received on the proposal including matters not addressed above, such as the impact of the proposal on the living conditions of the occupiers of 39 Booth Road, and disruption to the highway from construction works and the parking of vehicles. However, none of the matters raised provide a further compelling reason to withhold planning permission for the development.

Conclusion and Recommendation

14. There would not be any harm arising out of the second main issue, but this would be a neutral matter, incapable of outweighing the harm that would arise from the first. This would result in conflict with the development plan for which there are no material considerations worthy of sufficient weight to find contrary. For that reason, I recommend that the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR