



Appeal Decision

Site visit made on 19 July 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2023

Appeal Ref: APP/B2355/D/23/3321830

36 Devon Crescent, Haslingden, Rossendale BB4 4EL

- 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 David Hancock against the decision of Rossendale Borough Council.
 - The application Ref 2023/0008, dated 5 January 2023, was refused by notice dated 18 April 2023.
 - The development proposed is Rear extension – part single storey, part two storey.
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Decision

1. The appeal is allowed and planning permission is granted for Rear extension – part single storey, part two storey at 36 Devon Crescent, Haslingden, Rossendale BB4 4EL in accordance with the terms of the application, 2023/0008, dated 5 January 2023, and the plans submitted with it, 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: Existing Elevations – drawing ref. 15001/1; Existing Layouts – drawing ref. 15001/2; Proposed Elevations, New Scheme – drawing ref. 15001/3; Proposed Layouts – drawing ref. 15001/4; Proposed Roof Plan – drawing ref. 15001/5; and Location Plan – drawing ref. 15001/6C.
 - 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 dwelling.

Procedural Matter

2. The description of development in the banner heading above has been taken from the Council's decision notice, as it more accurately describes the development before me than the description provided in the planning application form.

Main Issues

3. The main issues in this case are the effect of the proposed extension on a) the character and appearance of the host dwelling; and b) the living conditions of the neighbours at No.34 Devon Crescent with regard light and outlook.

Reasons

Character and appearance

4. No.36 Devon Crescent (No.36) is a two-storey end of terrace dwelling, located on the west side of Devon Crescent. To the south, between No.36 and No.38 Devon Crescent is access to a parking court which serves neighbouring dwellings. To the rear of No.36 is an existing conservatory extension and it is proposed to demolish this and replace it with a part two-storey and part single storey extension.
5. The Council's *Alterations and Extensions to Residential Properties Supplementary Planning Document* (2008) (SPD) advises that extensions should reflect the design, detail and proportions of the original building. In this case, No.36 already benefits from planning permissions for the demolition of the conservatory and the construction of a part two-storey and single storey rear extension (2021/0492 and 2021/0152). I have not been provided with full details of these permissions, but from the description and drawings in the Delegated Officer Report it is clear that the overall depth of the extension would remain unchanged but the width would increase, extending closer to the common boundary with the attached neighbour at No.34 Devon Crescent (No.34).
6. The proposed extension would extend across much of the rear elevation of the original dwelling (save the offset from the boundary with No.34) and to a maximum depth of around 4.3m, so beyond the building line of the conservatory it replaces. The ridge of the proposed rear facing gable and its eaves would align with those of the existing roof, with a second gable lower in height. These dimensions of the proposed extension mean it would be relatively sizeable, but I do not find it particularly disproportionate to the size of the host dwelling and it would only be a modest increase in scale over the extensions previously found acceptable by the Council.
7. In the south west corner of the garden is an existing outbuilding and, adjacent to this, two parking spaces are proposed which would be accessed from the lane to the rear. In combination with the proposed extension, this arrangement would inevitably reduce the size of the garden area but a reasonably sized and usable space would be retained, accessed directly from the open plan kitchen and dining area created by the extension. The proposed extension would not therefore appear disproportionate in scale to the host dwelling, or plot, nor would it overdevelop the site.
8. The floorplan at ground and first floor has been staggered such that the two-storey extension steps away from the common boundary with No.34. The extension steps away from common boundary by around 1.25m for a depth of 2.7m and is then offset again by a further 1.5m. At roof level the effect of this is that the ridge of the principal roof of the extension runs front to back with a gable facing the garden. A second ridge would run perpendicular to this, with a gable facing No.34. Whilst I note that this does not replicate the simple pitch roof form of the original dwelling, it is not convoluted or incongruous in its design, with rear and side facing gables a typical way of extending a dwelling over two-storey.
9. For these reasons, I conclude on the first main issue that the proposed extension would be of a high standard of design and would not cause harm to

the character and appearance of the host dwelling. It would therefore accord with policies ENV1 and HS9 of the Rossendale Local Plan 2019 to 2036 (2021) (RLP) because its scale, design, massing and materials take account of the appearance of the local area and respects the existing dwelling. It would also accord with the principles of well designed places in Section 12 of the National Planning Policy Framework.

Living conditions

10. The Council's SPD guidance (paragraph 3.6) is that where an extension would be on, or attached to, the boundary of an adjacent dwelling it should not normally project in excess of 1m from the original wall. Beyond the 1m point the extension should not encroach beyond a 45 degree angle taken from the boundary at the 1m point. The proposed two-storey extension is offset around 1.25m from the common boundary, but it would encroach a 45 degree angle taken from that boundary. There is therefore a conflict with SPD paragraph 3.6 and the Council suggest the projection of the extension and distance from the boundary would significantly reduce the light and outlook enjoyed by the attached neighbours at No.34 Devon Crescent (No.34).
11. The windows on the rear elevation of No.34 mirror those of No.36. At ground floor, the closest window is offset from the party wall and from the boundary which is itself formed by a close boarded timber fence around 1.8m in height. At first floor, there is a large window to a bedroom sited slightly closer to the party wall than at ground floor. The proposed extension would clearly be visible from these windows. However, although sited closer than the existing conservatory, and two-storey in height, the staggered arrangement of the extension sets it sufficiently off the boundary to ensure that it would not appear overly dominant, or overbearing, when viewed from these windows. Consequently, there would be no significant harm to outlook for the neighbours at No.34.
12. The rear elevation of No.34 faces south west, such that its existing rear windows receive a good level of daylight and also direct sunlight. Due to the siting of the proposed extension to the east of No.34, the amount of morning sun received by the rear windows may be reduced. The Council have not quantified the harm alleged to light and I am not persuaded that the sunlight or daylight would be harmfully impacted to the extent that it would be unacceptable or cause harm to the living conditions of these neighbours. Therefore, notwithstanding the lack of compliance with the SPD guidance, the proposal would comply with RLP policies ENV1 and HS9 which seek to prevent an unacceptable adverse impact on the amenity of neighbouring properties.

Conditions

13. Along with the standard time limit, I have imposed a condition that requires the use of matching materials in the interests of consistency of appearance, and a list of the approved plans in the interests of certainty.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

R. Jones

INSPECTOR