



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/23/3320261

3 Oakley Street, Rawtenstall, Rossendale BB4 6SE

- 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 Tom Nolan against the decision of Rossendale Borough Council.
 - The application Ref 2022/0618, dated 30 November 2022, was refused by notice dated 7 March 2023.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed extension on a) the character and appearance of the host dwelling and wider area; and b) on the living conditions of the neighbours of No.5 Oakley Street, with regard to privacy and outlook.

Reasons

Character and appearance

3. No.3 Oakley Street (No.3) is a modest two-storey dwelling that forms part of a terrace that effectively returns the corner from Haslingden Road to Oakley Street. Oakley Street is a narrow, largely unmade lane that falls in levels north to south. To the side of No.3 is a block built lean-to extension and a small garden and area of car parking. It is proposed to demolish the lean-to and replace it with a three storey side extension, projecting around 3.4m from the original flank elevation of the dwelling.
4. The general guidance for all domestic extensions in the Council's *Alterations and Extensions to Residential Properties Supplementary Planning Document* (SPD) (2008) is that they achieve a high standard in design, give the appearance of being part of the original building, complementing it through, amongst other things, design, proportion and scale.
5. No.3 has an existing front porch projection and the proposed extension has been set well behind this and the front elevation of the dwelling. It would not therefore be visible when approaching No.3 from Haslingden Road. It would, however, project over half the width of the host dwelling and its height, with a

true second storey and second floor window to the front elevation, means that, in close proximity, the extension would appear a prominent and incongruous addition. Because of its scale and design, I find the extension would fail to respect or appear subservient to the host dwelling. Moreover, although the extension has been designed to continue the ridge of the existing pitched roof, on the front elevation, its eaves would be well above the existing, unsympathetic to the simple roof form of the host and the neighbouring cottages to the south.

6. I therefore conclude on the first main issue that the proposed extension would be an unsympathetic and incongruous form of development that would cause harm to the character and appearance of the host dwelling and wider area. In addition to the conflict with the SPD guidance, the proposed extension would conflict with policies ENV1 and HS9 of the Rossendale Local Plan 2019 to 2036 (2021) (RLP) because it fails to respect the existing dwelling or take into account the character and appearance of the local area, in terms of its massing, scale and design. It would also conflict with the principles of well designed places in Section 12 of the National Planning Policy Framework (the Framework).

Living conditions

7. The proposed extension would include a large set of bifold doors and separate door at ground floor and a window to bedroom 3 at first floor on the flank elevation facing No.5 Oakley Street (No.5). No.5 itself forms the end of a short terrace of cottages to the south, set slightly forward of, and angled away from, No.3. I observed on my site visit that No.5 has an existing ground floor and first floor window on its flank facing No.3. At ground floor, it is a secondary living room window that is positioned close to the front elevation and because of the existing relative building lines and proposed set back, this window would not be harmfully impacted by the proposed extension, in terms of privacy or outlook.
8. The room that is served by the first floor window of No.5 is not known, but I observed that whilst small it does not have obscure glazing. The proposed first floor window to bedroom 3 would directly face this window, at a distance of only around 6m. This would result in significant overlooking and loss of privacy causing harm to the living conditions of the neighbours at No.5. Although in close proximity, and set at a higher level because of the north to south slope of Oakley Street, the design of the proposed extension with a steeply sloping pitch front to back means that the harm to outlook from the first floor window has been minimised, and I find it acceptable in this regard.
9. Notwithstanding this, on the second main issue, I conclude that the proposed extension would cause significant harm to the privacy of the neighbours at No.5. Whilst I note that these neighbours did not object to the planning application, this is, in itself, not an indication of an absence of harm. Consequently, the proposed extension would conflict with the guidance in the SPD and RLP policies ENV1 and HS9 which require development, including house extensions, to not have an unacceptable adverse impact on neighbouring development. It would further conflict with the guidance at paragraph 130 of the Framework that development should create places with a high standard of amenity for existing and future users.

Conclusions

10. For the reasons given above, I conclude that the appeal should be dismissed.

R Jones

INSPECTOR