

Appeal Decision

Site visit made on 27 September 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2023

Appeal Ref: APP/B2355/D/23/3327385

3 Musbury Fold Cottages, Musbury Road, Helmshore, Rossendale, Lancashire BB4 4AP

- 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 Novak against the decision of Rossendale Borough Council.
 - The application Ref 2022/0532, dated 21 October 2022, was refused by notice dated 2 June 2023.
 - The development proposed is a detached garage, rear orangery/conservatory and front porch.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of Meadowbrook with regard to outlook.

Reasons

3. The council's only concern relates to the proposed detached garage which would include first floor accommodation in the form of a bedroom and en-suite shower room, within its roof space. Permission was granted for a neighbouring bungalow which appears to be nearing completion although the groundworks are unfinished. The bungalow has a large window, which I understand was planned to serve a bedroom which faces the proposed garage. The land levels differ significantly between the two properties.
 4. The appellant's representations suggest that the window in the centre of the forward facing gable of the garage would be in the region of 10m from the neighbouring rear facing window; and the lowest part of the neighbouring window would be just over 2.5m above the proposed garage ground level. The garage would have an eaves height in the region of 3m and an overall ridge height of just over 5.5m. A high wall has been erected along the shared boundary between the dwellings and it extends into the rear garden area.
 5. Despite the changes in levels, the garage, particularly its front gable and side facing roof, would be clearly visible from the neighbouring rear facing window. The corner of the garage would be of a lesser distance than the near 10m
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shown by the appellant to the window. The gable would be extremely prominent when in that rear facing room. The tall window, although shown to be obscure glazed, would increase its prominence when illuminated from within. The scale of the side elevation, with eaves in the region of three metres high, a ridge of 5.5m and a depth of 7.6m would also be extremely imposing. It would be unacceptably overbearing for future occupants of the neighbouring dwelling, resulting in harm to their living conditions due to the reduction in outlook.

6. The proposal would conflict with the amenity requirements of policy ENV1(c & d) of the Rossendale Local Plan 2019 to 2036 (2021) as it would be entirely unsympathetic to the adjoining site and would be overbearing. As the policy generally accords with the amenity requirements of the *National Planning Policy Framework*, I afford it full weight. Policy HS9, although seeking to protect amenity of neighbouring properties, does not include loss of outlook within its terms. The supporting text does refer to the amenity requirements of the *Framework* and this proposal would conflict with the *Framework's* objectives.
7. Reference has been made to the council's Alterations and Extensions to Residential Properties Supplementary Planning Document 2008 (SPD). This includes separation distances between dwellings and as such does not anticipate this particular arrangement. However, it does set a requirement of 20m between facing habitable rooms. The appellant has sought to overcome this by obscure glazing the facing window. This itself results in a room with a poor design in terms of outlook for future residents. The presence of the window also adds to the development being perceived as more prominent and dominant. The guidance does set out separation distances from habitable room windows to two storey blank walls (13m) and single storey blank walls (6.5m). Although the gable accommodates first floor accommodation, the drop in levels may indicate that the latter requirement may be of more relevance. However, I am not satisfied that the separation distances are entirely applicable and in any event, the proposal conflicts with the SPD's 'General Guidance' that extensions should not significantly harm the outlook of neighbouring properties.
8. In conclusion, the proposal would result in harm to the living conditions of the future residents of the neighbouring property. I have not found there to be any matters that outweigh this concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR