



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/23/3325505

3 Oakley Street, Rawtenstall, Rossendale, Lancashire 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 T Nolan against the decision of Rossendale Borough Council.
 - The application Ref 2023/0184, dated 12 April 2023, was refused by notice dated 22 June 2023.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 3 Oakley Street, Rawtenstall, Rossendale, Lancashire in accordance with the terms of the application, 2023/0184, dated 12 April 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TN/001/02/PRP/FP, TN/002/02/PRP/FP, TN/003/02/PRP/FP, TN/001/01/SITE, TN/002/01/SITE, TN/003/01/PRP/FP, TN/004/01/PRP/FP, TN/005/01/PRP/FP, TN/006/01/SITE, TN/001/02/PRPEL, TN/002/02/PRPEL and TN/003/02/PRPEL.
 - 3) The external materials shall match those of the house.
 - 4) The side facing first floor window shall be obscure glazed and fixed shut and maintained as such at all times thereafter.
 - 5) Details of the side boundary treatment shall be submitted to and agreed in writing by the local planning authority and shall be erected before the first use of the proposed sunroom/dining room. The side boundary shall be retained at the agreed height at all times thereafter.
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Main Issue

2. The main issue is the effect on the living conditions of the residents of 5 Oakley Street with regard to privacy and outlook.

Reasons

3. The council's concern relates to the proximity of the extension to the neighbouring property and the position of its windows. The neighbouring dwelling has a driveway to its side, between it and the appeal property. It is set at a lower level due to the slope on which the houses are built. This parking area is currently entirely open to view from Oakley Street and from the neighbouring garden. This arrangement would not change except the new extension would require residents to pass closer to the side boundary when accessing the rear garden and that of 1 Oakley Street. The ground floor side facing windows would also be closer to the boundary and would offer direct views towards the existing side gable of number 5 and views down over the low boundary wall towards the parking area. It is likely that the existing vegetation would be lost or reduced, further exposing the side parking area to views.
4. Although the proposed extension would be more imposing when in the driveway and parking area of number 5, given the nature of this area, this would not have an unacceptably harmful impact on the outlook from this area for the residents. The neighbouring property has a rear enclosed garden which would not be overlooked. Their ground floor side window is set well forward and is a secondary window. The outlook from it would not be significantly altered.
5. The neighbouring property has a small window at first floor level. It has been suggested that it does not serve as a primary window to a habitable room. The proposed first floor side facing window would look directly towards it. This relationship would be unacceptable, regardless of the habitable status of the area of the house that it serves as residents would have a direct view into the neighbouring property from a short distance. The appellant has suggested that a condition could be imposed to ensure that the first floor window be obscure glazed or removed from the plans. As it is a secondary window to a relatively small room that would also have a large front facing window, neither of these options would result in harm to the living conditions of the future residents. An obscure glazed un-opening window would allow for greater levels of light without harm to privacy. I have imposed a condition to require these details.
6. The large ground floor side facing windows/doors would offer direct views across the neighbouring parking area. This area is not currently private and is entirely exposed to view when within the neighbouring garden. However, the ability to observe this area from within the neighbouring house, through such expansive glazing, would increase the perceived lack of privacy in this area and would make it difficult to achieve any level of privacy in the future. This is a matter that would be adequately resolved by increasing the height of the existing boundary between the properties, in the vicinity of the side windows/doors, to somewhere in the region of 120 to 150cm above the existing higher ground level. This would prevent a clear line of sight when

using this room, without limiting sunlight. A condition requiring the provision of a higher boundary would overcome my concerns and would be necessary given that the relatively low boundary wall combined with the large doors/windows, close to the boundary, together with the likely loss of vegetation, would make the currently proposed relationship unacceptable.

7. Subject to boundary details being resolved and the first floor window being obscure glazed and fixed, the proposal would not have an adverse impact on the living conditions of the neighbouring residents now or in the future. The proposal would therefore satisfy the amenity requirements of policies HS9(b) and ENV1(c & d) of the Rossendale Local Plan 2019 to 2036 (2021). As the policies generally accord with the amenity requirements of the *National Planning Policy Framework*, I afford them full weight.
8. Reference has been made to the Council's Alterations and Extensions to Residential Properties Supplementary Planning Document 2008. The proposal would meet its requirements with regard to set back and distance from the boundary. The specified separation distances from the proposed sunroom to the side gable of the neighbouring property would not be met but the room would have a twin aspect which is not anticipated by the guidance.
9. Given my findings and as there are no other matters that weigh significantly against the proposal, I allow the appeal.
10. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. I have required that the side facing first floor window be obscure glazed and fixed shut; and that a higher side boundary be introduced in order to ensure that the amenities of the neighbouring residents are protected. I have required that the external materials would match those of the main house to ensure that the development would have a satisfactory appearance.

Peter Eggleton

INSPECTOR