



Appeal Decision

Site visit made on 13 November 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2023

Appeal Ref: APP/B2355/D/23/3328523

52 Barnes Avenue, Rawtenstall, Lancashire BB4 8ST

- 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 Mohmood against the decision of Rossendale Borough Council.
 - The application 2023/0261, dated 2 June 2023, was refused by notice dated 9 August 2023.
 - The development proposed is ground floor extension to be used as a garden room and dining room. Detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council has raised no issue in respect of the proposed garage. The main issues in this case are, therefore, the effect of the proposed ground floor extension on the character and appearance of the host dwelling; and on the living conditions of the attached neighbour.

Reasons

Character and appearance

3. No.52 Barnes Avenue (No.52) is a two-storey semi-detached dwelling, located on the southern side of Barnes Avenue adjacent a sub-station.
4. It is proposed to construct a single storey extension to the rear of No.52, which would project around 9m from the existing rear elevation along the common boundary with the attached neighbour. It would have a width of around 5m, extending over half the width of the original rear elevation. Whilst I accept that No.52 benefits from a generous garden to the rear and side, the proposed extension would be greater in depth than its host and this, combined with the width, means it would appear a disproportionately large addition.
5. The proposed extension has been designed with a hipped roof, which would be covered in a natural slate. Whilst this minimises the massing of the proposed extension, and reflects the roof form and finish of the host dwelling, the hipped design means the roof would slope away from the original rear elevation with an aluminium box gutter between them. This design would be unsympathetic to the character of the original dwelling, appearing as an attached outbuilding rather than a well-conceived extension.

6. I therefore find on the first main issue that the proposed extension would cause harm to the character and appearance of the host dwelling. Consequently, it would conflict with paragraph 130 of the National Planning Policy Framework (the Framework) and Policy ENV1 of the Rosendale Local Plan 2019 to 2036 (2021) (LP) which together, and amongst other things, require development to be visually attractive and take account of, or be sympathetic to, local character and appearance. It would further conflict with the Council's guidance in their *Alterations and Extensions to Residential Properties Supplementary Planning Document (2008)* (SPD) and LP Policy HS9 because it fails to respect the existing house in terms of scale, size and design, or give the appearance of being part of the original building.

Living conditions

7. On the common boundary, the attached neighbour at No.54 Barnes Avenue (No.54) has a single storey pitched roof extension that projects around 4.7m from the original rear elevation. The proposed extension to No.52 would project beyond this by around 4.3m, but would be only around 2.5m to the eaves, with the hipped roof sloping at 22 degrees away from the boundary. The rest of the boundary is formed by a high part brick, part close boarded timber fence which is around 2m in height for much of its length. I observed on my site visit that there is a window on the rear elevation of No.54 very close to the boundary, but only a small section of the window (just below the soffit) is visible above the existing fence. Whilst the proposed extension would be visible above the fence it would not be particularly obtrusive, the principal outlook from the rear window of No.54 remaining over the garden.
8. The guidance in the Council's SPD is that proposals for larger extensions will not normally be permitted unless it can be demonstrated that the amount of daylight and sunlight enjoyed by neighbouring properties would not be significantly reduced, assessed against the 45 degree rule. I have been provided with no assessment against the 45 degree rule but it was clear from my site visit that there would be a clear breach taken from the mid-point of the closest window on the rear elevation of No.54. However, the 45 degree rule is designed to ensure extensions do not result in unacceptable levels of overshadowing. In this case, whilst a clear, technical breach, I am not persuaded this would be the case. Although located to the south, because of the height of the existing boundary fence and its proximity to the closest window, the proposed extension would not result in a material loss of daylight or sunlight to the rear of No.54.
9. I therefore conclude on the second main issue that the proposed rear extension would not cause harm to the living conditions of the attached neighbours by reason of loss of light or outlook. It would accord with LP Policy ENV1 and HS9 in so far as they require development, including extensions to dwellings, to have no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction in daylight. In that it would result in a high standard of amenity for existing and future users, it would also accord with paragraph 130 of the Framework.

Conclusion

10. In conclusion, I have found that the proposal would not cause unacceptable harm to the living conditions of the occupiers of the neighbouring dwelling. However, it would cause unacceptable harm to the character and appearance of the host property. Accordingly, I dismiss the appeal.

R Jones

INSPECTOR