



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: 30 November 2023

Appeal Ref: APP/R2330/D/23/3328492

22 Bamford Crescent, Accrington, Lancashire BB5 2PQ

- 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 and Mrs Shaw against the decision of Hyndburn Borough Council.
 - The application Ref 11/23/0057, dated 30 January 2023, was refused by notice dated 11 July 2023.
 - The development proposed is two storey rear extension to replace existing conservatory and single storey side extension/garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for two storey rear extension to replace existing conservatory and single storey side extension/garage conversion at 22 Bamford Crescent, Accrington, Lancashire BB5 2PQ in accordance with the terms of the application, 11/23/0057, dated 30 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: 22090 - 01 - B (Plans as Existing); and 22090 - 06 - B (Plans as Proposed - Scheme 5).
 - 3) A ground slab and gas proof membrane of minimum 1200g thickness shall be incorporated into the foundations of the development hereby permitted in order to provide adequate protection against the ingress of landfill gas. The membrane shall be: i) laid carefully so as to avoid tears or perforations; ii) well-lapped and taped at the joints and iii) continuous across the whole area of the new development.

Application for Costs

2. An application for costs was made by Mr and Mrs Shaw against Hyndburn Borough Council. This application is the subject of a separate decision.

Procedural Matter

3. The description of development used in the banner heading above has been taken from the Council's decision notice as it provides an accurate description

of the development before me, which is two-storey, rather than one-and-a-half storey as described on the planning application form.

Main Issues

4. The main issues in this case are the effect of the proposed extension on:
 - a) the living conditions of the neighbours at No.24 Bamford Crescent;
 - b) the character and appearance of the host dwelling and wider area;
 - c) human health, arising from potentially contaminated ground; and
 - d) bats, a protected species.

Reasons

Living conditions

5. No.22 Bamford Crescent (No.22) is a semi-detached bungalow, located on the east side of Bamford Crescent. To the rear, is a conservatory extension and it is proposed to replace this with a two-storey gabled extension to accommodate a third bedroom at first floor.
6. The existing rear elevation is staggered away from the common boundary with the attached neighbour at No.24 Bamford Crescent (No.24), so together are arranged as a U-shape. The proposed extension would project over two-storeys from the existing living room gable by around 7.8m, but would extend no closer to this common boundary. To the rear elevation of No.24 (closest to the boundary), is a full height window to a dining area. It is accepted that the projection of the proposed extension would breach a 45 degree angle measured from the centre point of this window, but that breach, because of the offset from the boundary, would be at a reasonable distance of around 3.5m. I also observed on my site visit that the dining room has a dual aspect (front and back) and I am therefore satisfied that it would retain a good level of outlook. Whilst visible from the window on the rear elevation, the proposed extension would not cause an undue sense of enclosure or affect outlook such that it would cause harm to the living conditions of the occupiers of No.24.
7. The proposed extension would not therefore conflict with Policy Env7 of The Core Strategy (2012) (CS) or Policy DM29 of the Development Management Development Plan Document (2018) (DM) which both require development to protect local amenity of surrounding existing and future residents. Further, there would be no conflict with the guidance in the Council's *Householder Design Guide Supplementary Planning Document (2009)* (the SPD) that two-storey extensions to semi-detached dwellings should not have an unacceptable impact on neighbouring properties, in terms of an enclosing impact.

Character and appearance

8. The existing bungalow has a pitched roof with a split, staggered gable facing the garden. The proposed two-storey extension would project at right angles from the main bungalow, around 7.8m from the eaves of the pitched roof. It would have a ridge height 0.35m higher than the original ridge, but would be offset around 3.8m from it. No.22 is set back from the road behind a reasonably generous front garden and because of this, and the offset from the

original roof, the proposed two-storey rear extension would not be visible within the streetscene of Bamford Crescent.

9. To the rear, No.22 adjoins an area of woodland and therefore views of the proposed two-storey gable would be limited to the gardens of the adjoining dwellings. Although extending above the original ridge height, the proposed gable aligns with the roof of the existing ground floor study/bedroom and rather than appearing awkward, it would be a sympathetic addition to the host dwelling. Further, it would remove the existing conservatory and side garage which are dated and provide no visual cohesion to the rear elevation, in terms of design or materials.
10. For these reasons, on the second main issue, I conclude that the proposed extension would not cause harm to the character and appearance of the host dwelling, or wider area. It would therefore accord with CS Policy Env6 and DM Policy DM26 because it would deliver high quality design, that maintains and responds to local distinctiveness. It would further be consistent with the SPD guidance that planning permission will be given for extensions which are well designed and relate well to the original house and local streetscene.

Contamination

11. The Decision Notice refers to insufficient information being submitted to establish whether the development could be carried out without harm arising from contaminated ground relating to a former use of the land. The Council's Delegated Report, however, concludes that a requirement for further investigation could have been dealt with by imposition of a pre-commencement condition on a grant of planning permission, but I note that such a condition has not been suggested in their Appeal Questionnaire.
12. I have limited information before me in respect of contamination, save the consultation response from the Council's Environmental Protection Officer that there could be some residual contamination from a former print works. The appellant has proposed a condition which, rather than requiring further survey work, would require a minimum thickness of ground slab and a gas proof membrane to be incorporated into the foundations of proposed extension. This is an approach the Council have adopted elsewhere on Bamford Crescent and I find it proportionate and appropriate given the proposed extension would be largely within the footprint of the existing conservatory.
13. Consequently, the proposals would not conflict with DM Policy DM24 or paragraphs 183-185 of the National Planning Policy Framework because mitigation can be controlled by condition.

Bats

14. A Bats Building Inspection Survey was carried out on behalf of the appellant in August 2023. The Survey included an inspection of the exterior of the building for obvious signs of bat activity and potential points of entry/exit, and an internal inspection to determine the presence of bats and suitability for bat species. No signs of bat activity were found during the survey and it concluded that the building afforded 'negligible' roosting potential. In the absence of any information from the Council to lend me to form a different view, I am satisfied that there is sufficient evidence to conclude that the development could be carried out without risk to protected species.

15. Therefore, the proposed extension would not conflict with CS Policy Env2 or DM Policy DM19 which together require an appropriately detailed survey to be undertaken and development to protect ecological resources.

Conditions

16. In addition to the standard condition for implementation of the planning permission, I have also imposed a condition that specifies the approved drawings in the interests of certainty. The Proposed Elevations specify the proposed materials as render or cladding, which do not match the existing dwelling. I do not, therefore, find it necessary to impose a condition requiring the materials to match the existing and have duly omitted this condition. For the reasons given above, I have also imposed the condition in respect of the foundations of the extension to mitigate any potential contamination.

Conclusions

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

R. Jones

INSPECTOR