

Appeal Decision

Site visit made on 20 November 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2023

Appeal Ref: APP/B2355/D/23/3331590

406 Bury Road, Rawtenstall, Rossendale, Lancashire BB4 6EW

- 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 A Novak against the decision of Rossendale Borough Council.
 - The application Ref 2023/0356, dated 24 July 2023, was refused by notice dated 19 September 2023.
 - The development proposed is a connected garden room and basement works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The dwelling has a dual frontage with the pedestrian access from Clayton Avenue. The attached neighbour, 3 Clayton Avenue, has a matching frontage. The side of the property faces Bury Road. The house is set back from Bury Road beyond its raised garden. There is a very high stone boundary retaining wall adjacent to the Bury Road pavement which allows for the garden of the property to be set at the level of the house. Below the existing garden there is a garage contained behind this high roadside wall and accessed from the lower Bury Road level. The proposal includes the further excavation, below the garden, to provide for a gym and solarium at the garage level. This element has not been raised as a concern by the council. Their concern relates to the proposed garden room which would be attached to the ground floor of the house and would extend towards both Bury Road and Clayton Avenue, within the raised garden area.
 4. The vegetation within the raised garden area currently offers some screening of the property. The floor plans indicate that the entirety of the front and side garden would be surfaced in limestone flagging, apart from an area of pond. The elevations show vegetation along the boundaries, beyond the new pedestrian access. It is suggested in the appeal statement that the existing vegetation could be retained. The evidence is lacking in this regard and the plans are inconsistent.
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5. The new structure would be viewed forward of the house from Clayton Avenue. Even if I assume that it would be possible to retain much of the existing landscaping and provide enhanced planting, in views from Clayton Avenue, the new structure would be a prominent feature that would be entirely discordant with the character of the dwelling and its neighbour. Given the higher levels of the road to the east, the proposal would be even more dominant when looking back towards Bury Road. From Bury Road, the new structure would also be a prominent new feature despite the set back from the boundaries and the screening provided by the raised garden parapet. Even with enhanced landscaping, the side elevation in particular, would represent a discordant feature in these views.
6. The structure would be of high quality materials and the design would not be out of keeping in a rear garden situation where it would have limited wider prominence. However, a building of this nature, in such a prominent location, would represent poor design in this particular context. Given the prominence of this raised area, neither the form nor the design detailing of the garden room, would complement the street scene or the appearance of the property. Even with retained and enhanced landscaping, this new structure would detract from the character and appearance of this area. It would, due to its position, be contrary to policies HS9(a) and ENV1(a) of the Rossendale Local Plan 2019 - 2036 (2021). I also find conflict with the design requirements of the *National Planning Policy Framework*. Although not anticipating this arrangement of house and garden, the proposal would also conflict with the design aspirations of the council's Alterations and Extensions to Residential Properties Supplementary Planning Document 2008.
7. The proposal would require significant investment and would enhance the living accommodation. However, I am not satisfied that there are any matters that are sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR