



Appeal Decision

Site visit made on 23 January 2024

by K Mansell BA (Hons) MPhil TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2024

Appeal Ref: APP/B2355/D/23/3330980

24 Thirlmere Avenue, Haslingden, Rossendale, Lancashire BB4 6LU

- 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 S Sheikh against the decision of Rossendale Borough Council.
 - The application Ref 2023/0233, dated 19 April 2023, was refused by notice dated 18 July 2023.
 - The development proposed is described as '2 No Storey Side Extension and 1 No storey rear extension'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 20 December 2023, the Government published an updated revised version of the National Planning Policy Framework (the Framework). In relation to the main issues in this appeal, Government policy has not materially changed. Therefore, I have not sought the parties' comments upon it, but neither party has been prejudiced by my having regard to it.

Main Issues

3. The main issues in this appeal are the effect of the development on:
 - The character and appearance of the surrounding area and on the host property.
 - Highway safety, with regard to car parking provision.
 - The living conditions of neighbouring occupiers, with particular regard to outlook and light.

Reasons

Character and appearance of the host property and surrounding area

4. Thirlmere Avenue is a residential cul-de-sac of detached and semi-detached bungalows. Whilst the dwellings are not identical in appearance and do not follow a strictly uniform building line, they are largely all constructed in a combination of red brick, render, white UPVC windows and a tiled roof. Many of the properties also have a flat roof dormer window along all or part of the front roof slope. These factors together give a degree of visual consistency to the street scene.

5. The detached appeal property at 24 Thirlmere Avenue is an extended bungalow situated at the very end of the street, adjacent to the turning head. To its southern side boundary is an area of public open space (POS), which is accessed via a pedestrian route from the head of the cul-de-sac. A driveway to the side of No 24 provides access to a garage to the rear.
6. From my observations on site, even if No 24 is the only detached property on Thirlmere Avenue and deviates from the rhythm of other larger semi-detached dwellings along the road, it still shares visual similarities with them. These include the flat roof front dormer design, the use of similar materials, and its form as a dormer bungalow. Although set back from the building line of adjacent properties, it is still clearly visible from the highway, and from the route to the adjacent POS. It reads as part of the street scene, contributing positively to it as a result.
7. The appeal scheme would include building up the front wall of the house and raising the ridge height. From the road, the property would then appear as a two-story house. Visually, this would be an incongruous addition on a cul-de-sac of bungalows/dormer bungalows of a largely consistent scale.
8. I recognise that there are two storey houses on nearby streets, including those on Rydal Road, which are visible behind the appeal property from the adjacent POS, and Grasmere Road, on the approach to Thirlmere Avenue. However, these exist in small clusters. By contrast, the appeal scheme would result in No 24 being the only two storey dwelling on Thirlmere Avenue. Consequently, even if the dwelling were presently deemed to be of limited architectural merit and the appeal scheme would modernise it, No 24 would no longer appear as a dormer bungalow, and it would be noticeable and visually discordant in the street scene as a result.
9. The appeal scheme would also introduce a two-storey side and a single storey rear extension to the dwelling. I am not persuaded that they would be particularly innovative in their design, being of a reasonably standard domestic appearance. Moreover, even though the existing conservatory and dormer extensions would be replaced by the proposal, and the garage removed, cumulatively, the appeal scheme would still add significant bulk and massing to the property. Consequently, it would appear as a disproportionate addition to the original host dwelling.
10. I recognise that the proposal would provide a main entrance to the front elevation, rather than to the side as existing. I am also mindful that the two-storey side extension would be substantially set back from the frontage and maintain a gap to the side boundary. These measures would, in my view, limit any terracing effect with the neighbouring house. However, the host dwelling would, nonetheless, become largely unrecognisable as a result of the appeal scheme, such that the extensions would be neither sympathetic nor subordinate to it.
11. For these reasons, I conclude that the proposal would result in harm to the character and appearance of the area and the host property, contrary to Policies HS9 and ENV1 of the Rossendale Local Plan 2019-2036 (Adopted 2021) (RLP). These policies require, amongst other matters, that extensions should respect the existing house and development should generally consider the area's character and appearance, and safeguard and enhance the built environment. It would also be contrary to guidance in the Council's 'Alterations and Extensions to Residential Properties' Supplementary Planning Document (2008) (AERP SPD), which broadly

seeks to ensure that extensions complement the original building and do not dominate it. Furthermore, it would conflict with guidance at Section 12 of the Framework, which seeks generally to secure good design that contributes to the quality of the area.

Highway Safety

12. No 24 is a 4-bedroom dwelling with a single garage to the rear of the house and a driveway to the side that could accommodate at least two vehicles. The appeal scheme would still be a 4-bedroom house, but the garage would be demolished, and part of the driveway would be lost to facilitate the two-storey side extension.
13. Appendix 1: Parking Standards of the RLP (2021) confirms that houses with 4+ bedrooms should provide 3 spaces. I note the lack of objection from the County Council. However, this is on the proviso that the required parking spaces for the size of the proposal could be provided within the curtilage. There is nothing before me, such as a parking plan, to demonstrate this. The Council state that the appeal proposal would result in the provision of one off-street parking space, and from my observations of the scheme, I have no reason to disagree.
14. The appellant asserts that the existing garage is too small to accommodate a vehicle. I am also mindful that Appendix 1 does confirm that garages will not be counted towards parking provision figures unless suitable evidence is provided. I therefore acknowledge that discounting the garage, the existing parking provision would also be below the standards set out at Appendix 1. Nevertheless, the appeal scheme would reduce that further.
15. The appellant maintains that an additional space could be created to the front of the house as permitted development (PD) to maintain the status quo in respect of parking provision and to reflect the hard surfacing of the property opposite. However, I am not able to give a formal view on the exercise of PD rights in an appeal of this nature. Accordingly, from the appeal scheme before me, the level of off-road parking on site were the appeal scheme to be constructed would be below the current provision. It would also be significantly below the car parking standards established at Appendix 1. It would therefore increase the likelihood of on-street parking within the adjacent turning head or along the street as a result.
16. Even if the appeal proposal led to only one additional vehicle being parked on the road outside the appeal property, there is still the potential for inappropriate parking. This could impede the turning or manoeuvring of vehicles in the modestly sized turning head and the free flow of traffic on the highway, as well as causing harm to pedestrian safety, being so close to the footpath to the POS. In the event that it would result in parking further along the street, on my site visit, I observed cars parked on Thirlmere Avenue that had mounted the kerb, thereby limiting pavement width, which may force pedestrians onto the road. This would adversely affect highway safety by creating vehicular and pedestrian conflict.
17. I therefore conclude that the proposed development would not make adequate provision for off-road parking and so would harm highway safety. It would conflict with Policy TR4 of the RLP (2021), which, amongst other matters, requires proposals to meet the adopted parking standards set out within the RLP at Appendix 1.

Living conditions of neighbouring occupiers

18. The Council has raised concerns about the effect of the proposal on the living conditions of neighbouring residents, but it does not specify which property. However, its Delegated Report assesses the impact only on the adjoining dwelling at 22 Thirlmere Avenue. From my observations on site, given the open space to the other side of the appeal property and the separation distance to dwellings opposite the appeal site, I have no reason to disagree, and I have assessed it accordingly.
19. The appeal property as extended would sit behind the front building line of No 22. As a result, the proposed front and side extensions would not be visible from the neighbour's front windows. The outlook from the back of No 22 would largely be towards the proposed single storey rear extension at an oblique angle. This would be further obscured by the neighbour's own garage. Whilst there are two windows on the side elevation of No 22 looking towards the extended dwelling, these are both obscure glazed, thereby already limiting outlook. Moreover, the only window in the flank elevation of the proposed side extension would be to a utility room. The Council's AERP SPD (2008) states that this would not normally be considered a habitable room. Consequently, no minimum distance to a neighbouring property is identified. I am therefore not persuaded that the appeal scheme would result in any loss of outlook or privacy to the neighbouring occupiers.
20. The appeal scheme would be positioned to the south of No 22 and bring it closer to the neighbouring property. Nonetheless, the extensions would not be constructed up to the boundary and would maintain a perceptible gap to it. Furthermore, the extended front wall of the appeal property would remain behind that of No 22. The two-storey side extension would be positioned even further back and, along with the single storey rear addition, would sit alongside the driveway of the neighbouring house. This serves a less obvious amenity function than a garden. Whilst No 22's front door is on the side elevation looking towards the appeal property, the degree of separation and the set-back of the appeal scheme would be adequate to ensure that it would be neither overbearing nor lead to unacceptable overshadowing. As a result, it would not materially impair the living conditions of the occupants of No 22.
21. Taking all these factors into account, I conclude that the proposal would not lead to unacceptable harm to the living conditions of the neighbouring occupiers as a result of loss of outlook or light. I therefore find no conflict with Policies HS9 and ENV1 of the RLP (2021), which, in part, seek to ensure that proposals do not have an unacceptable or adverse effect on neighbouring amenity. I also find no conflict with guidance within either the AERP SPD (2008) in respect of protecting the amenities enjoyed by neighbouring properties, or within the Framework, which seeks, amongst other matters, to ensure a high standard of amenity for existing and future users.

Other Matters

22. I acknowledge the appellant's concern that the existing additions to the property, may be coming to the end of their lifespan. However, I have nothing before me to evidence that it would be neither practical nor viable to repair them, nor to extend the existing bungalow in a way that would maintain its character.
23. The appellant has also stated certain benefits of the proposal. In this regard, I appreciate the appellant's desire to modernise and extend the property, to

achieve, in part, more accessible downstairs accommodation to assist with unspecified health needs, as well as loft/storage space. However, I find that such personal circumstances are not sufficient to outweigh the substantial harm to the character and appearance of the area and host dwelling, and to highway safety, as well as the subsequent conflict with the development plan that I have previously identified.

24. I am also mindful that the appellant has referred generally to the Human Rights Act 1998, although no specific Article(s) has been cited. This is based on their hope to offer foster care, for which larger bedrooms and storage space would be needed. Whilst being sympathetic to their interest in doing so, I have no evidence before me to indicate what room sizes would be necessary to facilitate the fostering, nor that it is a realistic prospect. Moreover, I am satisfied that the aim of avoiding unacceptable harm to the character and appearance of the area and the host dwelling, and to highway safety, can only be adequately addressed by dismissal of the appeal. Any interference with the human rights of the appellant, their family and potential future occupants of the property is therefore necessary and proportionate.

Conclusion

25. For the reasons given above, whilst I find no harm to the living conditions of neighbouring occupiers, I do find that the appeal scheme would result in harm to the character and appearance of the surrounding area and the host dwelling, and to highway safety, and it would therefore conflict with the development plan as a whole. There are no material considerations that would outweigh that conflict. For these reasons, I conclude that the appeal should be dismissed.

K Mansell

INSPECTOR