
Appeal Decision

Site visit made on 26 February 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2024

Appeal Ref: APP/E2340/D/23/3335058

56 Causey Foot, Nelson BB9 0DR

- 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 Javed Iqbal against the decision of Pendle Borough Council.
 - The application Ref 23/0467/HHO, dated 12 July 2023 was refused by notice dated 3 October 2023.
 - The development proposed is described as: 'single storey rear extension, dormers to front and rear roof slopes, porch to front'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 58 Causey Foot, with particular regard to outlook.

Reasons

3. Causey Foot is a suburban street comprising of predominantly detached dwellings built to similar designs with accommodation in the roof spaces. Many of the properties have been extended and dormer windows to the front and rear are common. Dwellings typically have an attached single storey garage abutting the gable end, extending towards the boundary with the neighbouring property, creating a gap in the built form. Most dwellings have windows in their gables. The degree of first floor separation provided by the intervening garages ensures that these windows have moderate levels of outlook.
4. The appeal property is consistent with the prevailing character referred to above and has an existing adjoining flat roofed garage adjacent to No 58. No 58 has a window in its gable, the sole window serving a first floor bedroom, located at a higher level than the existing flat roofed garage. This looks towards the gable of the appeal property. The existing levels of outlook at No 58 are therefore typical of those within Causey Foot. Occupiers of that property would reasonably expect existing outlook levels to be preserved as part of any new development.
5. The proposal includes a first floor above the level of the garage with an eaves and ridge height that would be consistent with that of the existing dwelling. A new dormer window to the front would be set in from the edge of the roof, whilst a rear dormer would extend to its edge.

6. The proposal would lead to a tall, blank, gable wall being constructed in front of the bedroom window of No 58 at a distance of just 3.4 metres¹. Owing to its height and bulk, which would be exacerbated by the presence of the dormer windows, the proposed extension would appear highly oppressive in views from the bedroom window and would significantly reduce the outlook from here. Given that this is the only window serving this room, the loss of outlook would result in significant harm to the living conditions of the occupiers of No 58.
7. I accept that there is a smaller gap between the gable window of 42 Causey Foot and the blank first floor extension at 44 Causey Foot. I also acknowledge that there is a smaller gap between a first floor extension at No 42 and the gable window of 40 Causey Foot. The appellant argues that these extensions were approved by the Council although I have not been provided with any details of such approvals. The precise circumstances under which they were approved, including whether the neighbouring gable window is the only window serving the room affected, is therefore unclear. Nevertheless, the levels of outlook from the windows of No 42 and No 40 are exceptions to the generally good levels of outlook along Causey Foot, as a result of the prevailing pattern of dwellings separated by low garages, referred to above. The presence of the first floor extensions referred to by the appellant therefore do not justify allowing a development that would worsen the living conditions of the occupiers of No 58.
8. Although I accept that there have been no objections received from neighbouring properties, including No 58, the lack of objection to a scheme in itself does not mean that it is acceptable in planning terms.
9. For the above reasons the proposed dwelling would fail to preserve the living conditions of the occupiers of 58 Causey Foot, with particular regard to outlook. The proposal would therefore conflict with Policy ENV2 of the Pendle Core Strategy (2015) and paragraph 135 of the National Planning Policy Framework (the Framework) which together, in summary, seek to provide high standards of design with regard to living conditions.
10. There would also be conflict with the Pendle Design Principles Supplementary Planning Document (2009) which guides that extensions should not obstruct the outlook of neighbouring dwellings or detract from their privacy.

Conclusion

11. For the above reasons, and having taken all other relevant matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

¹ Based on the measurements provided in Appendix 1 of the Appellant's Statement.