



Appeal Decision

Site visit made on 7 March 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19TH April 2024

Appeal Ref: APP/B2355/D/23/3334655

19 Slaidburn Avenue, Constable Lee, Rossendale, Lancashire BB4 8JS

- 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 David Hancock against the decision of the Rossendale Borough Council.
 - The application Ref: 2023/0444 dated 22 September 2023, was refused by notice dated 27 November 2023.
 - The development proposed is first floor front extension, single storey front extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for first floor front extension, single storey front extension and single storey rear extension at 19 Slaidburn Avenue, Constable Lee, Rossendale, Lancashire BB4 8JS in accordance with the terms of the application Ref: 2023/0444 dated 22 September 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: Drawing No: Site Plan 11011/05, Proposed Ground Floor Plan 15035.3, Proposed Front and Rear Elevations 15035/05, Proposed Side Elevations 15035/05, Proposed Roof Plan 15035.5 and Location Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the existing property and the area in general.

Reasons

4. The site is a detached two storey property within a predominantly residential area. Some properties in the area have been extended or altered and designs of properties vary, notwithstanding this there is a harmony to design and materials of the properties.
5. Due to the topography of the land, which falls from east to west, the appeal property sits at a lower level than the neighbouring property, No.17 Slaidburn Avenue with the applicant's property positioned further forward than No. 17 however the property still retains a set back from the highway.
6. The proposed development would include a significant extension to the front of the property. I observed during my site visit that a two-storey gables to the front of properties is not an uncommon feature in the immediate area, for instance No's 3, 5, 6, 7, 10, 12 and 14. Whilst these gables maybe part of the original design of the properties, nonetheless they are not be dissimilar to the proposed first floor front extension.
7. The proposed single storey front extension would extend the appeal property closer to the highway. The Council's Alterations and Extensions to Residential Properties Supplementary Planning Document (SPD) (2008) highlights that there will be a presumption against extensions at the front of a property due to the need to protect the character of existing streetscene.
8. Notwithstanding this, it is important to recognise that such guidance does not constitute a 'black and white' set of rules to be applied rigidly or exclusively when other material considerations indicate that an exception may be appropriate.
9. In this instance whilst a substantial extension to the front of the property due to the topography of the area, the curve in the estate road and that the property is set back from the highway the proposed development would not be incongruous. Combined with the varying designs of properties in the area, I find that the proposed development would not appear out of keeping.
10. Mature landscaping in the front of neighbouring properties would soften the appearance of the proposal, although it is acknowledged that this is not within the control of the appellant and therefore cannot be relied on to be retained. Nonetheless my findings on the proposed front extensions would not alter should this landscaping be removed.
11. The rear garden is screened to a degree by mature trees. The existing single storey rear extension is proposed to be removed and replaced by a larger full width single storey extension. Due to the difference in levels and that the appeal property is set forward of No. 17, the proposed rear extension would not be dominant, or inconsistent with the host property or the surrounding area.
12. Cumulatively the proposed extensions would add significant bulk to the appeal site however the proposal includes windows, doors, roof tiles and reconstructed stonework to match the existing property and the surrounding area. The materials used for the development could be secured through the imposition of a planning condition. As a consequence the dwelling would be read as a whole, with the materials assimilating the proposed development into the existing build form.

13. I conclude that the proposed development would not harm the character and appearance of the existing property and the area in general.
14. There is no conflict with Policies HS9 and ENV1 of the Rossendale Local Plan 2019 to 2036 (2021) which amongst other things seek to ensure developments are of high quality design which respect the existing property and surrounding area.
15. There is no conflict with the National Planning Policy Framework (2023) which seeks amongst other things to ensure developments are of good design.
16. There is no conflict with the SPD which seeks amongst other things for extensions to be sympathetically designed.

Conclusion and Conditions

17. For the above reasons I conclude that this appeal should be allowed.
18. I have imposed conditions relating to the standard time limit for commencement of development and plans to be adhered to as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.

C Pipe

INSPECTOR