

Appeal Decision

Site visit made on 21 October 2024

by SRG Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 October 2024

Appeal Ref: APP/B2355/W/24/3345774

16 Hurst Platt, Waingate Road, Rawtenstall BB4 7RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of technical details consent.
 - The appeal is made by Mr R Stansfield against the decision of Rossendale Borough Council.
 - The application Ref 2024/0061, dated 28 February 2024, seeking consent pursuant to permission in principle Ref 2022/0553 was refused by notice dated 23 May 2024.
 - The development proposed is one detached dwelling.
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Preliminary Matters

1. The proposal is for technical details consent (TDC), following the grant of Permission in Principle (PiP) on appeal¹. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The PiP established that the location, land use, and amount of development is suitable in principle. The TDC, the subject of this appeal, considers the remaining detailed matters, but cannot reopen what has been agreed at the PiP stage. This appeal is determined on that basis.
2. The extent of the site delineated by the red line is larger for the TDC application than that shown on the PiP application. In the TDC application the red line on the eastern boundary is straight rather than indented at the north-eastern corner. In addition, there is a minor difference in the way the western boundary is shown on drawing nos. RS-21-07-23-b and RS-21-07-23-C. In both instances, the differences are minor and determining the appeal on this basis would not result in prejudice to any party.
3. The second reason for refusal refers to Local Plan² (LP) Policy ENV6. Having carefully read this policy and its supporting text, which seeks to ensure new development does not result in, amongst other things, soil, air, water and noise pollution, it is not one that is relevant to test this proposal against.

Decision

4. The appeal is dismissed.

Main Issues

5. These are the effect on the character and appearance of the area and the implications for the living conditions of future residents with regard to daylight and outlook.

¹ APP/B2355/W/23/2315738

² Rossendale Local Plan 2019 to 2036

Reasons

6. The bungalow would be a U-shaped single storey building with a mono pitched roof finished in natural stone and grey concrete roof tiles. The private garden would be enclosed by a 2.2m high wall finished in blue engineering bricks. The surrounding area is characterised by a mixture of 2 and 3-storey dwellings of varying age, type, design and finish. In terms of the proposed finishing materials, the bungalow would be consistent with the character and appearance of the surrounding area.
7. A key plank of LP Policy ENV1 is not to prevent or discourage appropriate innovation or change. In this context, the introduction of a single storey dwelling would not, on its own, be harmful. That said, the building would project substantially beyond the front building line of the adjoining property, Hurst Platt. With a ridge height of some 3.9m, this projection coupled with a completely blank rear elevation, a largely blank side elevation and the tall blank garden wall finished in a highly contrasting colour of brick would, when viewed from Waingate Road, appear oppressive and incongruous in the street scene adversely affecting its character and appearance. As such the proposal would conflict with Policy ENV1 (c) and (d) which seeks to achieve high quality design.
8. Given the degree of separation and the orientation of the dwelling, the garden and habitable rooms would not experience unacceptable levels of daylight and sunlight. Similarly, given the eternal amenity area would be overlooked by floor to ceiling windows and in the case of the main living area full width floor to ceiling windows, the outlook for residents would not be unacceptable. As such the proposal would not conflict with the Policy ENV1 (f).

Conclusion

9. Notwithstanding my favourable conclusion on the second issue, this does not outweigh the harm the proposal would cause to the character and appearance of the area. Accordingly, having taken all other matters into consideration the appeal is dismissed.

George Baird

Inspector