



Appeal Decision

Site visit made on 11 December 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2025

Appeal Ref: APP/R2330/D/24/3351419

124 Royds Avenue, Accrington, Lancashire BB5 2JX

- 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 Waqar Younis against the decision of Hyndburn Borough Council.
 - The application reference is 11/24/0193.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension at 124 Royds Avenue, Accrington, Lancashire in accordance with the terms of the application, reference 11/24/0193, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved Location Plan, Proposed Site Plan and drawing PL01A, in so far as they relate to the two storey side extension only. For the avoidance of doubt, the rear extension shown on the plans does not form part of this permission.
 - 2) All windows hereby permitted in the side elevation facing 122 Royds Avenue shall be obscure-glazed and shall be retained as such at all times thereafter. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be inserted into the side elevation facing 122 Royds Avenue.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of the residents of 122 Royds Avenue with regard to light, outlook and privacy.

Reasons

3. The description of the proposal is a first floor side extension. The planning history indicates that prior approval was granted for a rear extension of just under six metres in depth which was shown to extend across the full width of
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both the house and the original garage. The garage has been demolished and new unfinished walls built in its place. Although corresponding with the current plans, the new garage appears to have a widened footprint. This is a matter raised by the neighbouring residents but not addressed in the council's report. If the garage is, as it appears to be, wider than the original, then the rear extension exceeds the permission for it, granted under the prior approval process. In these circumstances and as the proposal only relates to a side extension, I have not considered the merits of the works carried out to the rear of the house.

4. In addition to the above, there is nothing before me to suggest that the wider and longer form of the ground floor of the side extension, has formal consent. A single storey extension, on its own, may benefit from permitted development rights but in this case, it appears that it is being built in association with the widened rear extension. The wider alignment of the garage as currently being built, would be necessary to accommodate the proposed first floor extension; and is illustrated as such on the submitted plans. It is therefore necessary to consider the ground floor of the side extension as being part of the proposal. As all parties have considered the plans that formed the application and now this appeal, I am satisfied that including all of the side extension as part of the proposal would not prejudice any of the parties.

Character and appearance

5. The proposed side extension results in a third gable to the front of this property. The largest gable is set forward of the second existing gable and the new gable would be set back further. This arrangement would require a significant increase in the scale of the roof but overall, the new elements would complement the existing form and detailing of the property. Although bringing development closer to the neighbouring property, a sufficient gap would remain between them to ensure that the two houses would continue to be viewed separately. This would be assisted by the form of their respective roofs.
6. The proposal would therefore represent an appropriate design solution and would not detract from the character or appearance of the area. It would not conflict with the design aspirations of policy DM26 of the Hyndburn Development Management - Development Plan Document 2018 (DMP) or policy Env6(a&b) of the Hyndburn Core Strategy 2012 (CS).

Living conditions

7. The neighbouring property has a number of windows in the side elevation facing the proposed development. The side extension would be more imposing for the residents of the neighbouring dwelling as it would increase the height of the original garage and be marginally closer to the boundary. The main window at ground floor level within 122 Royds Avenue would have had an outlook directly over the boundary fence to the side elevation of the original garage, with the two storey element of the original house well beyond. The proposal would reduce this outlook but not to the extent that it would result in unacceptable harm to the living conditions of the residents of the neighbouring property, within the room served by the side window. Although there would be a reduction, I am also not satisfied that the works would unacceptably reduce

light levels within that room. The impact on other windows would be less significant.

8. The drawings show two ground floor windows in the side extension and one at first floor. The larger of the ground floor openings has not been created within the already constructed side wall. However, these windows would allow views towards the side facing window of the neighbouring property and towards the rear of that house. I agree with the council that this would result in a loss of privacy. Similarly, the first floor bedroom has a side facing window, which is a secondary window to that room. It would allow views towards the neighbouring windows including the kitchen. The appellant suggests that all of these windows could be obscure glazed. This would be necessary to resolve this issue. It would however also be necessary to prevent future additional windows to protect the amenity of the neighbouring residents. This can also be controlled by condition.
9. Subject to any side facing windows being obscure glazed, I am satisfied that the proposal would not result in unacceptable harm to the living conditions of the residents of 122 Royds Avenue with regard to light, outlook or privacy. The proposal would not therefore conflict with the amenity requirements of DMP policy DM29 or CS policy Env7. I also find no conflict with the design or amenity requirements of the National Planning Policy Framework 2024.
10. In conclusion, the proposal would have as satisfactory appearance and would not unacceptably harm the living conditions of the neighbouring residents. I have had regard to the council's concerns and the two sets of comments made by the neighbouring residents. As there are no matters that weigh significantly against the proposal, I allow the appeal.
11. As works have begun, a commencement condition is not necessary. I have imposed a condition relating to the details of the approved plans, with reference to the side extension only, for the avoidance of doubt and in the interests of proper planning. I have required that the materials match those of the existing house to ensure that the development would have a satisfactory appearance. I have also imposed a condition requiring that all approved side facing windows be obscure glazed; and that no further windows be inserted, without formal consent, into the side elevation facing 122 Royds Avenue, in order to protect the amenities of the neighbouring residents.

Peter Eggleton

INSPECTOR