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# 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**

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**Appeal Ref: APP/R2330/D/24/3351539**

**7 Trawden Close, Accrington, Lancashire BB5 2LQ**

- 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 John Eastham against the decision of Hyndburn Borough Council.
  - The application reference is 11/24/0167.
  - The development proposed is an outbuilding in the rear garden.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect on the living conditions of the neighbouring residents with regard to outlook; and the effect on the character and appearance of the area.

## Reasons

3. The proposal, although described as an outbuilding is actually a children's den. It is substantially complete although some finishing work is required. In addition, the proposal requires the removal of the raised side decking area and the introduction of a privacy screen. These changes seek to address a previous concern with regard to overlooking. Although a two storey structure, the lower element has been dug into the sloping ground. The building is in the rear corner of the garden and as a result, it immediately adjoins the gardens of 9 Trawden Close and 8 Wycollar Close. My assessment is based on the views I was able to obtain into the neighbouring gardens.
  4. With regard to 9 Trawden Close, it is clear that the structure is extremely prominent given its significant height above the shared boundary. This is emphasised due to the varying ground levels. The building is undoubtedly overbearing when within the adjacent garden and when within the house itself. It has resulted in harm to the living conditions of the residents of 9 Trawden Close with regard to outlook. It therefore conflicts with the amenity requirements of policy DM29 of the Hyndburn Development Management - Development Plan Document 2018 and policy Env7 of the Hyndburn Core Strategy 2012.
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5. The property to the rear, 8 Wycollar Close, is set at a higher level and has its own outbuilding on the adjacent corresponding part of its garden. The den has been clad in imitation plastic foliage which helps to reduce its impact. Nevertheless, although concerns have not been raised by the residents, it is likely to be a dominant feature when in the neighbouring garden and rear facing rooms of the house. It is also prominent from the rear garden of the adjoining property, 10 Wycollar Close. Whilst not as harmful as the impact on the residents of 9 Trawden Close, the relationships with the two Wycollar properties are far from satisfactory and this adds to my concerns.
6. The structure is visible from the road between the two houses. It is viewed against the backdrop of the house behind which is set at a higher level. It is not prominent in views and at present, despite its height, given its form and appearance, it represents a curiosity which does not result in harm to the wider character of the area. The introduction of a screen, which would obscure the detailing of the side elevation, would be likely to detract from its current appearance. Whilst I agree with the appellant that design guidance directed at house extensions and garden buildings should not be rigorously applied to a structure designed as a children's den, the finished structure, as proposed with its high screen, would not be a positive feature. Given my main finding with regard to the impact on amenity, this is not a matter on which my decision would turn, but its visual impact when retro fitted with the screen, would not be positive.
7. The appellant has made reference to a potential fall-back structure that it is suggested is likely to be built should this appeal fail. I am mindful that the height of the building should be measured from the highest ground level immediately adjacent to the building and that a building of up to 2.5 metres in height could be built in this position. Class E of the amended Town and Country Planning (General Permitted Development) (England) Order 2015, also limits buildings to a single storey and prevents the provision of a verandah, balcony or raised platform. I have not been provided with any plans of the suggested fall-back scenario or a lawful development certificate. On the basis of the information before me, I am unable to conclude that an amended lawful structure would be likely to result in a similar level of harm.
8. I have had regard to the proposed use of the structure and the matters put forward by the appellant. I am also mindful that residents to the rear have not objected and the neighbouring conifers have been reduced in height. However, there are no matters that outweigh my concerns, particularly with regard to the harm to the living conditions of the residents of 9 Trawden Close. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**