



Appeal Decision

Site visit made on 26 February 2025

by K Mansell BA (Hons) MPhil TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2025

Appeal Ref: APP/E2340/D/24/3356827

9 Woodbury Avenue, Fence, Lancashire BB12 9EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Glen Stock against the decision of Pendle Borough Council.
 - The application Ref is 24/0586/HHO.
 - The development proposed is described as 'proposed extension above existing garage'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. Having considered the content of the revisions, it is not necessary to re-consult the main parties about this change in national policy as they do not alter my conclusion.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers of 22 Woodbury Avenue, with particular regard to outlook.

Reasons

4. The appeal scheme relates to a 2-storey detached dwelling that sits at the end of a small residential cul-de-sac. No 9 has an existing irregularly shaped single storey side garage extension adjacent to its western boundary, which is modestly set back from the front of the house and splays to the rear to follow the fence line. The garage's western side elevation runs along most of the length of this boundary shared with No 22.
5. The appeal proposal would bring the garage forward at ground floor level to align with the front elevation of the house, and then introduce a flat roof first floor addition above the full length of the garage. The length, scale and position of the extension would present a substantial two-storey elevation along the shared boundary of the appeal site when viewed from the garden area of No 22.
6. It has been put to me that the proposal would comply with the 45-degree rule and not obstruct the outlook from No 22, or cause overshadowing to this neighbouring house. I also appreciate that some views of the countryside to the rear would remain. However, at such close proximity to the shared boundary, the proposal

would visually dominate the outlook from No 22's rear garden, thereby having an oppressive and overbearing effect and causing an undue sense of enclosure.

7. I therefore find that the appeal proposal would unacceptably harm the living conditions of the occupiers of 22 Woodbury Avenue arising from the lack of outlook. As such, it conflicts with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy 2011-2030 (2015). This seeks, amongst other matters, to ensure that development delivers the highest standards of design. It would also fail to accord with the design objectives of the Framework.

Other Matters

8. My attention has been drawn to the approval of a similar development on another property in the locality. Nonetheless, on the evidence presented, I cannot be certain that it represents a direct parallel to the proposal or that the Council has been inconsistent in this respect. In any event, I am required to reach conclusions based on the individual circumstances and merits of this appeal.
9. I also recognise that the proposed scheme would provide some benefits to the appellant in providing additional living space to meet the specific needs of their blended family arrangements. However, personal circumstances seldom outweigh more general planning considerations, particularly where development would be permanent. It has also been put forward that the proposal would be constructed in complimentary materials, represent an efficient use of the site and that it would release another dwelling onto the housing market. Nevertheless, given that the proposal is for an extension to a residential property, any benefits in these respects would be somewhat limited and they would not weigh significantly in favour of the proposed development. As such, neither these, or any of the other matters above, would overcome or outweigh the harm that I have identified.

Conclusion

10. For the reasons above, the proposal would conflict with the development plan, and there are no material considerations that warrant taking a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

K. Mansell

INSPECTOR