



Appeal Decision

Site visit made on 23 April 2025

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2025

Appeal Ref: APP/B2355/X/24/3336495

66 Hameldon Road, Loveclough, ROSSENDALE, BB4 8RL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful development (LDC).
- The appeal is made by Mr Paul Pilling against the decision of Rossendale Borough Council.
- The application ref 2023/0503, dated 2 November 2023, was refused by notice dated 30 November 2023.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
- The development for which a certificate of lawful development is sought is a dormer extension.

Decision

1. The appeal is dismissed.

Procedural Matters

2. An application made pursuant to s192 of the 1990 Act (as amended) seeks to establish whether proposed development would be lawful if instituted or begun at the time of the application. The onus is on the appellant to demonstrate on the balance of probabilities that the proposed development is lawful. The matter is one of judgement and based on the details provided within the application.
3. The plans submitted with the application show a proposed single dormer on the roof slope facing Greenfold Drive. The dormer roof extension would facilitate additional rooms in the roof space.

Main Issue

4. The main issue is whether the Council's decision to refuse to issue an LDC was well-founded. That turns on whether the proposed development would constitute permitted development by virtue of the provisions of Article 3(1) and Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

Reasons

5. Hameldon Road is a winding inclined modern estate road featuring grouped house types. The houses vary between detached and semi-detached houses, dormer bungalows and bungalows. The buildings are set behind predominantly open front garden areas with frontage or side parking. Many have garages to the side or rear side. The estate has a degree of homogeneity through the use of similar external materials and design features replicated through the various house types.
6. 66 Hameldon Road is a corner plot with frontages to both Hameldon Road and Greenfield Drive. It sits at the end of a row of similarly designed detached

bungalows along the northern-eastern side of a cul-de-sac spur of Hameldon Road.

7. Class B development concerning the enlargement of a dwellinghouse consisting of an addition or alteration of its roof is subject to the limitation at Paragraph B.1.(c) which clarifies that development is not permitted by Class B if any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.
8. The 'Permitted development rights for householders' Technical Guidance [2019] advises – 'in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house'. It continues – 'Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation'.
9. The original design of the building has a consistent appearance and building orientation with the other dwellings on the northern side of the Hameldon Road cul-de-sac. The houses present regular gable ends to the street. Although the repetitive design and proportions creates a strong character to this part of the road, there are some distinct differences between the appeal site and the remainder of the row.
10. The neighbouring units invariably have front-facing attached garages to one side and main entrances set well back along the other side elevation. Vehicular and pedestrian access points are directly on to Hameldon Road.
11. Unlike those properties, the appeal house is situated on a corner plot. The design appears 'handed' to the others in the row, with the room served by the wider gable window on the opposite side. Compared to the counterpart units, the main entrance doorway is also on the reverse side of the building. It appears as a designed central feature presenting to Greenfold Drive.
12. Additionally, the combined pedestrian and vehicular access point is on Greenfold Drive with the garage access also facing on to that road. In contrast to the remainder of the row, the frontage to Hameldon Road has no point of access.
13. While none of those differences is necessarily individually determinative, I find the elevation facing Greenfold Drive appears as the principal elevation. It is the more detailed elevation containing the main entrance and more fenestration than the Hameldon Road gable. Along with the wider frontage in tandem with the garage and access point, they give rise to the greater visual interest. For those reasons, I find the Council's assessment of the principal elevation and application of the limitation of Paragraph B.1.(c) to be correct.

14. The appellant indicates that Hameldon Road is the postcoded address. Notwithstanding that the Council's evidence shows the postcode to also include the relevant part of Greenfold Drive, I find the combined effects of the building's appearance and the site layout, to be matters of greater weight in the site-specific circumstances.
15. Furthermore, Condition B.2 (a) of Class B requires that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The plans show the dormer face and cheeks to be finished in grey cladding with a dark grey roof verge and window frames.
16. The Council's evidence shows that at the time of the LDC application – as the relevant date for assessment, the building had white detailing to the roof verges, rainwater goods and windows. Although those features and roofing materials have since been altered, including a similar dormer along the opposite roof slope, the materials shown on the plans would have contrasted to the then existing materials. This would contravene Condition B.2(a) of Class B and exclude the proposed development from reliance on that provision.

Other Matters

17. I acknowledge the appellants comments in relation to separation distances and symmetry with the dormer on the rear roof slope, however, those planning considerations are not relevant to the LDC application. Examples of 'double dormers' and other developments referenced by the appellant elsewhere, have little meaningful bearing on the necessary site-specific assessment against the conditions and limitations in the GPDO.

Conclusion

18. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for a dormer extension was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

R Hitchcock

INSPECTOR