



Appeal Decision

Site visit made on 19 August 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Appeal Ref: APP/R2330/W/25/3366454

259-263 Union Road, Oswaldtwistle, Lancashire BB5 3HU

- 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 Tarsem Singh against the decision of Hyndburn Borough Council.
 - The application reference is 11/25/0063.
 - The development proposed is the erection of a rear first floor extension to create 1no self-contained flat.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a rear first floor extension to create 1no self-contained flat at 259-263 Union Road, Oswaldtwistle, Lancashire BB5 3HU in accordance with the terms of the application reference 11/25/0063 subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue is whether the proposed development would provide satisfactory living conditions for future occupiers with regard to sunlight and daylight.

Reasons

3. An extension is proposed at the back of the appeal property, which is a 2-storey building in mixed use, to form a new self-contained first floor flat. The main living area within the new flat, which is hereafter referred to as the living room, would be open plan and served by 2 windows.
4. The smaller of the 2 windows, situated nearest the kitchen, would be close to the blank sidewall of an adjacent building, which is 2 Melbourne Street. This arrangement would limit the daylight and sunlight reaching the living room of the new flat. The separation distance between this window and the side elevation of No 2 would fall significantly short of the minimum 12-metres that is required by Policy DM29 of the Hyndburn Development Management DPD (DM).
5. Nevertheless, the larger of the 2 windows would face southwest, towards Melbourne Street, with ample space beyond it to allow a reasonable amount of sunlight and daylight to penetrate the living room. This arrangement, in which the living room is dual aspect, would ensure that the habitable space within the new flat would feel light and airy even taking into account the presence of No 2.
6. On that basis, I am persuaded that the proposal would provide satisfactory living conditions for its future occupiers. Therefore, I find no conflict with Policy Env 7 of

the Council's Core Strategy or DM Policy DM29 insofar as they aim to safeguard residential amenity. It also complies with the policies of the National Planning Policy Framework, which state that developments should create places that have a high standard of amenity for existing and future users.

Conditions

7. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building, as proposed.
8. A condition requiring details of the cycle storage is necessary to promote sustainable travel and to ensure that this facility is available to future occupiers. To safeguard the living conditions of nearby residents, a condition is imposed to limit the times within which works and deliveries that are associated with construction may take place. The conditions suggested by the Highway Authority and the Council's Environmental Protection Officer (EPO) have been amended for clarity and precision. A further condition recommended by the EPO that requires measures are taken to prevent nuisance is too imprecise. It has not, therefore, been imposed.

Conclusion

9. Overall, there are no material considerations that indicate the development should be determined other than in accordance with the development plan, when read as a whole. For the reasons set out above, I therefore conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 2090 Existing and Proposed Layout and 2090 Proposed Layout.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) Construction deliveries to and from the site, and construction works, shall only take place between 08.00 and 18.00hrs Monday to Friday, 09.00 to 13.00hrs on Saturdays, and shall not take place on Sundays or Bank Holidays.
- 5) The flat hereby permitted shall not be occupied until cycle storage facilities have been provided in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The approved cycle storage facilities shall be permanently retained thereafter.