



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/E2340/D/25/3368660

39 Elland Road, Brierfield BB9 5RX

- 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 Muhammad Shehzad against the decision of Pendle Borough Council.
 - The application reference is 24/0802/HHO.
 - The development proposed is the erection of a single storey rear extension with associated internal alterations and site works.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant states that 41 Elland Road, which is attached to No 39, has been purchased and that it now forms part of the same residence as the appeal property. However, revised plans that show Nos 39 and 41 as a single dwelling are not before me. This is an important consideration because if this appeal were to be allowed, the decision would be subject to a condition that requires compliance with the submitted plans. The submitted drawings show Nos 39 and 41 as separate dwellings and I shall therefore refer to them as such. For the avoidance of doubt, I shall proceed with the appeal by considering the plans and written material that accompanied the planning application because it was on that basis that planning permission was refused.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 41 Elland Road with particular regard to visual impact.

Reasons

4. The proposal is to enlarge and alter the appeal property, which is a semi-detached house within a predominantly residential area. A single storey rear extension is proposed to infill the recess at the back of No 39 between the existing ground floor extension and the side boundary of the site.
5. As a result, there would be a lengthy blank wall along the common boundary with the attached property, which is referred to on the plans as 41 Elland Road. From what I saw, No 41 has ground floor windows in its rear elevation, the nearest of which appears to serve a living room. From this living room window and the garden nearest to the main house the new wall would be evident at close range.

6. Given the considerable depth of the proposed wall along the shared boundary between the site and No 41, there would be an overly dominant, intrusive and overbearing aspect for the occupiers of this attached property. That the new extension would project beyond a line drawn at 45 degrees from the centre of the living room window reinforces my concern.
7. On the main issue, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 41. Accordingly, it conflicts with Policy ENV 2 of the Pendle Local Plan Part 1: Core Strategy (LP) and the Council's Design Principles Supplementary Planning Document insofar as they promote high quality design and aim to safeguard residential amenity. It is also at odds with the National Planning Policy Framework, which states that developments should create places with a high standard of amenity for existing and future users.
8. I note that the proposal was revised to reduce its depth and size after the Council's initial consideration of the application. I also note that the application was referred to the Council's Development Management Committee given the earlier decision of the Nelson, Brierfield and Reedley Committee to approve the application. Nevertheless, the application was refused planning permission in line with the recommendation set out in the Officer's report.
9. LP Policy ENV 1 is cited in the Council's reason for refusal. As this policy seeks to protect and enhance the natural and historic environment, which would be unaffected by the proposal, it is not directly relevant to this appeal.

Conclusion

10. Overall, the proposed development conflicts with the development plan, when read as a whole. There are no material considerations, including those of the national Planning Policy Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR