



Appeal Decision

Site visit made on 28 November 2025

by **K Mansell BA (Hons) MPhil TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 December 2025

Appeal Ref: APP/E2340/D/25/3371955

41 Beaufort Street, Nelson, Lancashire BB9 0BQ

- 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 Mrs Nafeeza Begum against the decision of Pendle Borough Council.
 - The application Ref is 25/0177/HHO.
 - The development proposed is described as 'single storey rear extension to incorporate a wet room for a disabled applicant'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers of 43 Beaufort Street, with particular regard to outlook.

Reasons

3. The appeal property at 41 Beaufort Street is a mid-terraced dwelling within an uninterrupted run of properties extending from Nos 29 to 61. The houses are of a broadly consistent form and appearance. They sit within narrow plots and to the rear, there is a broadly uniform arrangement of single-storey outriggers and small enclosed yards backing onto a cobbled lane that runs the length of the terrace.
4. The appeal scheme would introduce a single storey rear extension projecting from the existing outrigger to No 41 by approximately 2.6 metres. Combined with the existing rear projection, it would result in a continuous single storey structure extending up to No 41's rear boundary.
5. On my site visit I saw a habitable room window on the rear elevation of No 43, adjacent to the boundary with No 41. The Council's Design Principles SPD (2009) (DP SPD) advises that single-storey rear extensions on or adjoining a boundary should not normally exceed 4 metres in depth, and that any greater projection should comply with the 45° rule taken from the midpoint of a neighbouring habitable room window. The appeal scheme would breach this guide. It would consequently result in unacceptable overshadowing for the occupiers of No 43.
6. Furthermore, the combined depth of the proposed extension and the existing outrigger at No 41 would create a continuous built form along the entire boundary shared with No 43. Given its height and proximity, the extension would be clearly visible and prominent from the rear window of No 43, and it would have an oppressive and overbearing effect as a result.

7. My attention has been drawn to similar rear extensions in the surrounding area, including on Beaufort Street and adjacent roads. Even if some of these schemes have been recently approved, I have not been provided with full details of these planning permissions, nor their history. Consequently, I cannot be certain as to the detailed considerations that applied in those cases. In any event, I am required to reach conclusions based on the individual circumstances and merits of this appeal, and my findings relate solely to the scheme before me.
8. I therefore find that the appeal proposal would unacceptably harm the living conditions of the occupiers of 43 Beaufort Street arising from a lack of outlook. As such, it would conflict with Policy ENV2 of the Local Plan for Pendle Core Strategy 2011-2030 (2015), which requires, amongst other matters, that all development should meet a high standard of design. It would further conflict with guidance in the DP SPD (2009), and with the design objectives of the National Planning Policy Framework, including at Section 12, to ensure that a high standard of amenity is secured for existing and future users.

Other Matters

9. I understand that the appeal scheme would provide a wet room to meet the appellant's healthcare and mobility requirements. In this regard, my attention has been drawn to two supporting letters providing further detail on the appellant's needs, including one from their Doctor. Accordingly, in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. From the information before me, my decision has the potential to affect a person with a protected characteristic for the purposes of the PSED.
10. I have consequently given the appellant's personal circumstances very careful consideration. I appreciate that in dismissing the appeal, they would be unable to derive the benefit of a wet room facility on the ground floor, having the potential to disproportionately affect them. However, I have no substantive evidence before me to demonstrate that the appellant's mobility limitations require them to live entirely on the ground floor. In this regard, I observe from the ground floor plan that there is no accessible bedroom or equivalent sleeping accommodation on the same level. Furthermore, I have nothing before me to demonstrate that the appeal scheme would be the only means by which the appellant's needs could be met. I consequently attach moderate weight to the need for the wet room extension, which does not outweigh the significant and permanent harm that I have found would occur to the living conditions of the neighbouring occupiers of No 43.

Conclusion

11. 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