

TITLE: PLANNING APPEAL RESULT – 5 Ivy Grove,
Rawtenstall, BB4 8HF – Two storey rear extension

TO/ON: DEVELOPMENT CONTROL COMMITTEE
WEDNESDAY 08 MARCH 2006

BY: DIANE DUNGWORTH

LEAD MEMBER: Councillor Challinor

STATUS: PUBLICATION

1. PURPOSE OF THE REPORT

- 1.1. To inform Committee members of the result of the appeals

2. RECOMMENDATIONS

- 2.1 That the report be noted

3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION

- 3.1 2005/237 – This planning application was received on 19 April 2005 and related to the erection of a two storey rear extension at the above address.

- 3.2 The planning application was refused on 14 June 2005 for the following reasons:-

The proposed extension as a result of its close proximity to the boundary with adjoining properties 3 & 7 Ivy Grove, would result in a visual intrusion and an overbearing impact such that it would be unduly detrimental to the amenities that the occupiers could reasonably enjoy. As such the proposed development would be contrary to Policy DC 1 of the Rossendale District Local Plan.

This resulted in an appeal being lodged and being dealt with by the written procedure. The appeal was dismissed on 13 February 2006.

4. CORPORATE IMPROVEMENT PRIORITIES

4.1. FINANCE AND RISK MANAGEMENT

4.1.1. Quality service, better housing, the environment, regeneration and economic development, confident communities.

4.2. MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS

4.2.1. N/A

4.3. HUMAN RESOURCES

4.3.1 **Human Rights Act 1998** implications are considered to be Article 8 which relate to the right to respect for private and family life, home and correspondence. Additionally, Article 1 of Protocol 1 relates to the right of peaceful enjoyment of possessions and protection of property.

5. ANY OTHER RELEVANT CORPORATE PRIORITIES

5.1. N/A

6. RISK

6.1. N/A

7. LEGAL IMPLICATIONS ARISING FROM THE REPORT

7.1. N/A

8. EQUALITIES ISSUES ARISING FROM THE REPORT

8.1 N/A

9. WARDS AFFECTED

Cribden

10. CONSULTATIONS

The appeal was advertised by individual letters to all parties that were consulted on the planning application

11. Background documents:

N/A

For further information on the details of this report, please contact: Brian Sheasby on 01706 244582.

Appeal Decision

Site visit made on 7 February 2006

by **Susan Heywood** BSc(Hons) MCD MRTPI

an Inspector appointed by the First Secretary of State

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Date

13 FEB 2006

Appeal Ref: APP/B2355/A/05/1192416
5 Ivy Grove, Rawtenstall, BB4 8HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Jamie Sheridan against the decision of Rossendale Borough Council.
- The application Ref 2005/237, dated 8 April 2005, was refused by notice dated 14 June 2005.
- The development proposed is two storey rear extension.

Decision

1. I dismiss the appeal.

Reasons

2. No. 5 Ivy Grove is a mid terrace property. The proposed extension would be two storeys in height for approximately half of the depth of the rear yard area and it would be in close proximity to the rear yards and windows of the adjoining properties at Nos. 3 and 7 Ivy Grove. As a result the extension would appear as an over-dominant and oppressive structure which would lead to overshadowing of the adjoining yard areas and a loss of outlook for those properties. It would therefore be harmful to the living conditions of the occupiers of the adjoining properties and would conflict with the aims of policy DC.1 of the Rossendale District Local Plan.
3. At the end of the two rows of terraces which back onto each other at Ivy Grove and Prospect Road, larger properties face onto Burnley Road. These properties have two storey elements which adjoin the rear yards of 1 Ivy Grove and 2 Prospect Road. I have also noted the photographs provided by the appellant and saw a small number of other two storey rear extensions in nearby streets, including that at 5 Prospect Road. It is a well-established planning principle that each development should be treated on its own merits. In this case, I have no doubt that these existing two storey buildings would cause overshadowing of the adjoining yard areas and the existence of a less than satisfactory situation in one location does not justify allowing new development which would have a harmful effect on neighbours elsewhere.
4. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Heywood