

## **C2 – Appendix 1 – Planning Appeals update**

**Appeals dismissed** since the report taken to June 2017 Development Control Committee

### **1. 2015/0339 Land At Hall Street Hallfold, Whitworth**

The Planning Inspector considered that the terror event has and would attract higher volumes of traffic travelling along Bankside Lane over a more concentrated period of time during the busier early to late evening period. The Inspector noted that this road has limited capacity and that the increased levels of traffic, if not carefully managed, could lead to traffic congestion and highway safety issues in this area.

The Inspector concluded that the transport arrangements are not sufficiently robust to ensure that this event has not had, and would not continue to have, a detrimental effect on highway safety on Bankside Lane.

### **2. 2016/0491 1 West View, Tong Lane, Bacup**

This appeal relates to a certificate of lawfulness application for a double garage, goat and hen house, domestic store and hard standing. The Planning Inspector considered that there was insufficient robust corroborating evidence to demonstrate that the north eastern part of the site has been in residential use for 10 years or more. The Inspector concluded that it could not be said, on a balance of probabilities, that the north eastern area of the site is domestic curtilage and as such the proposed development was not permitted development.

A separate application for costs from the appellant was refused as the Inspector concluded that the Council has not acted unreasonably.

### **3. 2016/0274 7 Grange Avenue, Rawtenstall, Rossendale**

This appeal relates to the demolition of the garage and erection of single storey side extension and part single, part two storey extension to rear. The Inspector considered that the main issue was the effect of the development upon the living conditions of 14 and 16 Grange Road, a pair of semi-detached dwellings whose rear elevations face the side of 7 Grange Avenue.

The Inspector considered that the length, height and close proximity of the proposed side extension would cause a substantial sense of dominance when viewed from the rear ground floor windows and modest rear gardens of Nos 14 and 16, adversely affecting their outlook.

The Inspector noted that at first floor level the extension would lengthen the existing structure, increasing its mass and having a subsequent overbearing effect upon the outlook of No 14. The Inspector did not consider the demolition of the garage would not sufficiently mitigate the impact of the proposal.

### **4. 2016/0523 14 Deardengate, Haslingden, Rossendale**

The appeal relates to the creation of a second floor flat over the former cinema which is now occupied by a shop at ground floor level with permission for flats at first floor level.

The Inspector considered that the extension, due to its size and width, would result in the substantial loss of the current front roof slope of the building and due to the elevated form of the extension at roof level, it would also appear highly prominent and dominant on the building.

When viewed more broadly from Deardengate, the Inspector considered that the extension would sit uncomfortably on the building with its size and width. It would significantly detract from the building's contribution as a focal point in the town centre, with clear visibility afforded from the widened thoroughfare and the square. It is precisely that the building is distinctive in design which forms its contribution to the character of the town centre, rather than a sense of uniformity with other buildings.

The Inspector concluded that the extension would significantly detract from the character of the building and the area.

**5. 2016/0570 39 Heald Lane, Weir, Bacup**

The appeal relates to the erection of a first floor extension over the existing single storey living space. The main issue is the effect of the proposed extension on the character and appearance of the host property and the surrounding area.

The Inspector considered that in creating a two storey projecting element on the house, with a different roof profile, the extension would be a prominent feature both on the house, and in the street scene. As such, the extension would not be a subservient or sympathetic addition to the house, and would dominate rather than complement the original dwelling. Furthermore, its projection in front of the first floor building line would detract from the consistency along this side of the road that contributes to the area's character and appearance.

**Appeals allowed** since the report taken to June 2017 Development Control Committee

**1. 2017/0199 2 Lancaster Avenue, Haslingden**

The appeal relates to the erection of a two storey side extension which was refused for the following reason:

*The proposed two storey extension will project 4m beyond the principal elevation of No.11 Rutland Walk and in doing so contravenes the 45 degree line as taken from the front habitable room window of No.11, as recommended in Paragraph 3.5 of the SPD. Accordingly, the extension will have an unacceptable overbearing impact on the occupiers of No.11 Rutland Walk, contrary to Policies 1, 23, 24 of the Core Strategy DPD, The Alterations and Extension to Residential Properties SPD and the National Planning Policy Framework.*

The Planning Inspector considered that the main issue was the effect of the proposed two storey extension on the living conditions of the occupiers of No 11 Rutland Walk. In assessing the proposed extension the Inspector considered that as No 11 Rutland Walk faces south-east with an open aspect across a grassed area due to this orientation any loss of sunlight or daylight would be minimal and given such an open aspect, she did not consider that the proposed extension would be unacceptably overbearing.

**2. 2016/0635 35 Haworth Avenue, Rawtenstall, Rossendale**

The appeal relates to the erection of a single storey extension to side and rear of dwelling and was refused for the following reasons:

*The proposed extension would occupy more than half of the available width of the side garden, and would not maintain a minimum 2m gap between its side elevation and the side boundary. The awkward design of the single storey side and rear 'wrap-around' extension would fail to achieve a high standard of design resulting in an unacceptable impact on the*

*visual amenity and character of the area. The proposed development therefore fails to comply with Policies 1, 23 and 24 of the Adopted Core Strategy, the Alterations and Extensions to Residential Properties SPD and the National Planning Policy Framework.*

*In accordance with the Council's Parking Standards a five bedroom property is required to have three off-street parking spaces. In this case, only two spaces are shown on the proposed site plan and the detached garage is sub-standard in size, measuring 4.2m x 3.8m. Having regard to the site's location at the junction of Haworth Avenue and Barritt Road, any additional vehicles displaced onto either road would be of detriment to highway safety. Accordingly the proposed development is contrary to Appendix 1 of the Adopted Core Strategy.*

The Inspector considered In this case the shape of the garden means that a significant gap and significant space would still remain over much of the length of the extension and as such there would still be a sense of spaciousness retained over a great deal of the front and side garden.

The Inspector disagreed that the 'wrap around' form of the development would lead to an incongruous relationship with the host dwelling.

In terms of parking the Inspector considered that there are currently 2 parking spaces at the front and a small garage to the rear. The Inspector considered that whilst the garage may be small it seems to him that it would accommodate a small car, and in any event would accommodate a larger vehicle with the door open such that the vehicle was parked partially on the driveway.