

TITLE: PLANNING APPEAL RESULT – 24 North View,
Crawshawbooth, Rossendale, BB4 8BQ

TO/ON: DEVELOPMENT CONTROL COMMITTEE
Tuesday 27 June 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 2005/421 – This planning application was received on 12 July 2005 and related to a two storey extension to rear at 24 North View, Crawshawbooth.

- 3.2 The planning application was refused on 16 August 2005 for the following reasons:-

The proposed extension as a result of its close proximity to the boundary with adjoining properties 22 and 26 North View, 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 DC1 of The Rossendale District Local Plan.

This resulted in an appeal being lodged and being dealt with by written procedure. The appeal was dismissed on 11 May 2006 for the reasons given in the decision letter of the Planning Inspectorate, a copy of which is appended to this report.

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

Public consultation was undertaken by neighbour letter. Five letters of representation were received together with a petition bearing 15 names against the proposal.

11. Background documents:

11.1 The appeal decision letter

For further information on the details of this report, please contact: Mr P Talbot on 01706 238637.



Appeal Decision

Site visit made on 24 April 2006

by **John Braithwaite** BSc(Arch) BArch(Hons) RIBA

an Inspector appointed by the First Secretary of State

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Date: 11 May 2006

Appeal Ref: APP/B2355/A/06/2006324

24 North View, Crawshawbooth, Rossendale, Lancashire BB4 8BQ

- 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 Mr Western against the decision of Rossendale Borough Council.
- The application Ref 2005/421, dated 8 July 2005, was refused by notice dated 16 August 2005
- The development proposed is two storey extension to the rear.

Decision

1. The appeal is dismissed.

Reasons

2. 24 North View is a mid-terraced two-storey dwelling with a south facing rear elevation. It has a rear yard area about 5 metres wide and 4.6 metres deep. The proposed extension would take up about half the width of the yard area and would adjoin the boundary to the rear yard area at the neighbouring similar dwelling to the east, No. 22. The extension would be two storeys in height to a depth of about 3.2 metres and single storey for about another 1.4 metres up to the boundary wall to a rear access lane. Most significantly, there would be a wall about 5.5 metres high and about 3.2 metres deep extending out from the rear elevation of the terrace on the boundary between the two neighbouring properties. Given its height and depth the blank wall would have an overbearing effect on the small rear amenity area at No. 22 and, given its orientation and during the afternoon and early evening, would cast an increasing shadow over the amenity area. The proposed extension would seriously dominate and overshadow the rear yard area at 22 North View, would have a significant adverse effect on residential amenity at this property and is thus in conflict with Rossendale District Local Plan policy DC.1.

3. Harmful development elsewhere in the vicinity is not a reason to allow further harmful development that is in conflict with the development plan. All other matters mentioned have been taken into account but do not outweigh, either individually or collectively, the conclusion that planning permission for the proposed development should be withheld.

Inspector