

**TITLE:** PLANNING APPEAL RESULT – 160 Fallbarn Crescent, Rawtenstall, BB4 6BQ

**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 2005/567 – This planning application was received on 03 October 2005 and related to a Retrospective application for the conversion of roof space with dormer to rear.
- 3.2 The planning application was refused on 17 November 2005 for the following reasons:-

The dormer has an intrusive visual impact and significantly affects the residential amenity of properties to the rear in terms of privacy and overlooking. The design and size of the dormer is not in harmony with the appearance and character of the building or its neighbours and has a detrimental effect upon the street scene to the front. Therefore the dormer is contrary to Policies DC. 1 and DC. 6 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 25 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**

Longholme

#### **10. CONSULTATIONS**

Public consultation was undertaken by neighbour letter. One letter of representation was received.

**11. Background documents:**

11.1 The appeal decision letter

For further information on the details of this report, please contact: Ms N Blackhurst on 01706 238641.



# 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

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Date: 25 May 2006

**Appeal Ref: APP/B2355/A/06/2007900**

**160 Fallbarn Crescent, Rawtenstall, Lancashire BB4 6BQ**

- 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 J King against the decision of Rossendale Borough Council.
- The application Ref 2005/567, dated 15 September 2005, was refused by notice dated 17 November 2005.
- The development proposed is convert roofspace to bedroom with dormer to rear.

## Decision

1. The appeal is dismissed.

## Reasons

2. 160 Fallbarn Crescent is a mid-terraced two-storey dwelling. The dormer has been erected on the rear roofslope, extends for the full width of the dwelling and covers all of the roofslope except for a few courses of tiles down to the gutter. It has rendered elevations to match the dwelling and has two rear facing windows, one to a bedroom and one to a landing area. The flat roof is slightly higher than the ridge and, from the front, a fascia board is visible above the ridge.
3. Directly to the rear of the appeal property and at a higher level is 11 Hill View, a two-storey dwelling. There are views from the windows in the dormer into its rear garden and, more importantly, into its ground floor living room. Overlooking from the dormer's windows may only occur occasionally but the feeling of being overlooked will be constant and has resulted in a serious loss of privacy. The dormer has had a significant adverse effect on the amenities of residents of 11 Hill View and thus conflicts with Rossendale District Local Plan policy DC.1.
4. The fascia board above the ridge is an incongruous feature of the street scene on Fallbarn Crescent but, more importantly, the dormer, given its size and extent, is not in harmony with the character and appearance of the dwelling when viewed from the rear. The dormer is also prominent in views from rear gardens of properties on Hill View, has harmed the character of the area and thus conflicts with Rossendale District Local Plan policy DC.6.
5. Satisfying the Building Regulations and the credentials of the builder and designer of the dormer do not have any bearing on consideration of its planning merits. All other matters mentioned in support of the appeal have been taken into account.

Inspector