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# Appeal Decision

Site visit made on 23 June 2021

**by D Hartley BA (Hons) MTP MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> June 2021**

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**Appeal Ref: APP/T2350/W/21/3271278**

**Land at Bank Cottages, Billington, Clitheroe BB7 9NL**

- 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 S Stansfield of Stansfield Developments Ltd against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2020/1085, dated 17 December 2020, was refused by notice dated 9 February 2021.
  - The development proposed is the construction of a pair of semi-detached bungalows with associated gardens and parking areas.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

## Reasons

3. It is proposed to erect a pair of semi-detached dwellings to the rear of Nos 1, 2 and 3 Bank Cottages. There is a detached garage on the lower slope of the site and this would be demolished. Tandem car parking for four cars is proposed as well as terraced garden areas. The dwellings would be built with natural stone walls and blue slate roofs.
4. The appeal site forms part of wider sloping and predominantly undeveloped land falling between a car repair garage to the west, which immediately abuts Whalley Road, and Ebenezer Baptist Church to the east, which is a detached building closely aligned with Whalley Road. Most of the long terrace of Bank Cottages is set well back from Whalley Road and is positioned at a much lower level. Consequently, and in the main, the Bank Cottage terrace is not seen as dominant or conspicuous built form of development when viewed from Whalley Road.
5. As part of my site visit observations, I was able to see that there was a noticeable change in the character and appearance of the area to the west of the railway bridge. Indeed, before the bridge residential properties are much closer to the highway and beyond the bridge there is a greater emphasis on green/undeveloped sloping land and with residential properties set well back from the highway. To the passer-by, the appeal site is seen within the context of a largely undeveloped green wedge of sloping garden land between Whalley

Road and the lower level Bank Cottages. This more open and green character is mirrored on the other side of Whalley Road in respect of the relatively wide and imposing amenity land rising upwards to the modern dwellings on Painter Crescent.

6. The aforementioned attributes add positively and distinctively to the character and appearance of this part of Whalley Road. The landscaping and greater sense of green and open space alongside both sides of Whalley Road offers some welcome and pleasing relief to the otherwise more built up and imposing development that can be seen beyond and opposite Ebenezer Baptist Church and to the west of the railway bridge.
7. The proposed development would be positioned relatively close to Whalley Road. I acknowledge that owing to the changes in land levels, it would be essentially the roofs of the two dwellings that would be conspicuous when viewed from Whalley Road and from Painter Crescent. The pair of semi-detached dwellings would represent a very wide mass of built form and the associated roofs would be imposing in the context of the immediate locality. While the provision of a central chimney stack would be reflective of Bank Cottages, this would add greater height to the proposed dwellings thereby making the development even more noticeable to passing pedestrians and motorists.
8. It is of note that the proposal includes the removal of existing frontage vegetation. It would take some time for the replacement hedgerow and trees to reach maturity and until this time much more of the development would be conspicuous from the highway, including from the Whalley Road adjacent footpath. This would include closely positioned bin stores and entrance gates which are not prevalent features along this part of the highway. Furthermore, the introduction of pedestrian entrance gates would unacceptably break up the almost continuous and characterful hedge line and would seek to draw even more attention to a pattern of development which, owing to its position and extent, would fail to assimilate well into its immediate surroundings.
9. I accept that the neighbouring repair garage is positioned close to the road. However, owing to its out of keeping appearance and tight position against the highway, I do not consider that this adds positively to the area. Its existence does not in itself justify allowing further development close to this part of Whalley Road when the prevailing pattern of development in the immediate locality is characterised by mature highway frontage hedgerow giving way to relatively undeveloped sloping or terraced land.
10. I acknowledge that the end of Bank Cottages (i.e. Nos 18, 19 and 20) is positioned closer to Whalley Road than the rest of the terrace. However, this is not very noticeable when travelling in an east-west direction given the position of Ebenezer Baptist Church and, furthermore, development on the other side of Whalley Road at this point includes residential development which is also closer to the road. In other words, the pattern of development changes at this point and this is mirrored on both sides of the road.
11. I consider that owing to the position and extent of the proposed development it would overall have a dominant and discordant impact when viewed in the street-scene, departing unacceptably from the otherwise green wedge afforded to both sides of this part of Whalley Road. Therefore, I conclude that the proposal would cause significant harm to the character and appearance of the

area failing to accord with the design, character and appearance requirements of policies DMG1 and DMG2 of the Ribble Valley Core Strategy 2014 and in conflict with Chapter 12 of the National Planning Policy Framework with its emphasis on good design and creating better places to live.

12. The appellant has questioned why the proposal would be in conflict with policy DMG2 of the CS, but I consider that there would be some conflict with this policy in so far that the appeal development would not be 'in keeping' with this part of the settlement.

### **Other Matters**

13. I note that pre-application advice was sought prior to the submission of the planning application. However, it is generally accepted that any pre-application advice given is without prejudice to the subsequent determination of a planning application. The appellant suggests that the planning case officer had indicated that he would have approved planning permission. The evidence indicates that in making a decision at officer level, the manager took the decision to refuse planning permission. There is no suggestion that such a decision was made outside the remit of any approved scheme of officer delegation and this is not therefore a matter which has had any bearing on how I have determined this appeal.
14. The proposal would make a positive contribution towards the supply of housing in the area and there would be some economic benefits associated with the construction of the dwellings and the support given to local facilities and services. However, there is no evidence before me to suggest that the local planning authority is unable to demonstrate a deliverable five year supply of housing sites. Furthermore, the aforementioned benefits would be relatively limited from the erection of only two dwellings. These are not therefore considerations which alter or outweigh my conclusion on the main issue.

### **Conclusion**

15. For the above reasons, the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

*D Hartley*

INSPECTOR