



## Appeal Decision

Site visit made on 7 March 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30<sup>TH</sup> March 2022

**Appeal Ref: APP/T2350/D/22/3290166**

**102 Branch Road, Mellor Brook, Blackburn, BB2 7NY**

- 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 Derek Walsh against the decision of Ribble Valley Borough Council.
- The application Ref 3/2021/0925, dated 6 September 2021, was refused by notice dated 17 November 2021.
- The development proposed is roof lift and loft conversion, single-storey rear extension and alteration to access from road.

### Decision

1. The appeal is dismissed insofar as it relates to the roof lift and loft conversion. The appeal is allowed insofar as it relates to the single-storey rear extension and alterations to access from road and planning permission is granted for a single-storey rear extension and alteration to access from road at 102 Branch Road, Mellor Brook, Blackburn, BB2 7NY, in accordance with the terms of the application Ref 3/2021/0925, dated 6 September 2021, and the plans submitted with it, so far as are relevant to that part of the development hereby permitted and subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the single-storey rear extension and alteration to the access from road only: Unnumbered Location Plan; Existing Plans – D 1130/21/01; Existing Elevations – D 1130/21/02; Proposed Detail – D1130/21/03; Proposed Elevations – D1130/21/04; and Site Plan Proposed/Existing – D1130/21/06.07.
  - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building

### Procedural Matters

2. I note that the date of the planning application is different on the planning application form, the appeal form and the Council's decision notice. Normal convention is to use the date on the planning application form, which in this case is 6 September 2021. Consequently, I have used this date in my decision above.

3. The proposal involves a number of different elements, which are severable from each other. Consequently, I am able to issue a split decision in this case.

## Main Issues

4. The main issues are the effect of the proposal on the living conditions of the occupants of number 16 Woodfield Close (number 16), with particular regard to outlook and natural light; and the effect of the proposal on the appearance of the streetscene.

## Reasons

5. The proposal includes a flat-roofed single storey rear extension and alterations to the vehicular access onto Branch Road. The rear extension would not have an adverse impact on the occupants of neighbouring property and it would not adversely affect the appearance of the existing dwelling. Consequently, I have no reason to disagree with the Council's conclusion that the rear extension would not be unacceptable. Likewise, I consider the proposed alterations to the vehicular access to be acceptable, having regard to highway safety and visual impact.

### *Living Conditions*

6. The appeal property is an existing single-storey bungalow, which is situated in a residential area. Although dwelling types in the locality vary in terms of scale and style, the property adjoins an existing bungalow at number 16. There are also a number of other bungalows nearby. The rear elevation and part of the garden area of number 16 faces the side elevation of the appeal property. I noted at my site visit that number 16 also sits at a lower level than the appeal property.
7. The proposal follows the Council's refusal of an earlier application for a similar development. The modified proposal (the appeal development) has resulted in a reduction in the height increase of the property and the deletion of a proposed dormer at the rear, plus changes to the design of the gable ends.
8. Part of the current proposal is to extend the existing bungalow upwards by approximately 1 metre to facilitate the provision of first-floor accommodation. The appellant states that the additional space is required to accommodate family members. The Council contends that the extended height and mass would lead to an unacceptable loss of natural light for the occupants of number 16. It points to conflict with Policy DMG1 of the adopted Ribble Valley Core Strategy (CS), which (amongst other things) state that developments should be sympathetic to existing and proposed land uses in terms of scale and massing; and consider the relationship between buildings and the effect on amenities. The Council also refers to Policy DMH5 of the CS, which refers back to Policy DMG1.
9. In reaching my decision on this issue, I have taken into account the appellant's comparison with other properties nearby. I have examined the photographs and also looked at these during my site visit. However, the majority of the examples tend to have a side wall to side wall relationship, rather than the back to side relationship, which is the case with the appeal proposal. Consequently, in terms of the impact on living conditions, I am not persuaded that they are comparable.

10. I have also had regard to the appellant's submission relating to sunlight and shadowing and the angular relationship between the dwellings. Notwithstanding, I consider that the increased height and mass resulting from the proposal would have an unacceptably overbearing impact on the rear of number 16 and part of its garden. Number 16 has windows and a conservatory that face onto the side of the appeal property and I consider that proposal would be harmful to the occupants and result in a loss of residential amenity. Notwithstanding the comments from the appellant, in my opinion, the impact on a conservatory window should not be given less weight than on any other habitable room window. Consequently, the proposal would conflict with the provisions of the CS, as referred to above.

#### *Character and Appearance*

11. The Council states that the proposal would be an over dominant and incongruous form of development that would be detrimental to the character and visual amenities of the area. It also points to the proposed front dormer as being out of character with the area. The Council cites a conflict with Policies DMG1 and DMH5 of the CS.
12. Although the increase in height of the appeal property would be noticeable, the evidence provided by the appellant shows that the increase would result in a building comparable in height to the telephone exchange building, which is on its southern side. I acknowledge the Council's statement that there is currently a graduated reduction in roof heights along this stretch of Branch Road and that this pattern would be disrupted. Nevertheless, given the variety of dwellings along Branch Road (including two storey houses on the other side of the telephone exchange), I am not persuaded that the increase in height would be unacceptably harmful in the streetscene.
13. Although front facing dormers are not common in the vicinity of the appeal site, the proposed dormer would be a relatively small feature and, in my opinion, it would not have a significant impact on the appearance of the area.
14. For the above reasons, I conclude that the proposal would not have an adverse effect on the character or appearance of the area. Therefore, there would be no conflict with the provisions of the CS, as referred to above. However, my conclusion on this issue does not outweigh the harm that I have found in respect of living conditions.

#### **Conditions**

15. The Council has suggested conditions in the event of the appeal being allowed. I have included these in my decision. In addition to the standard conditions relating to the commencement of development and the list of approved plans, a condition is also imposed requiring the use of matching external materials. This is necessary to ensure a satisfactory external appearance.

#### **Conclusion**

16. For the reasons given above, I conclude that the appeal is allowed in relation to the single-storey rear extension and alteration to the access from the road. With regard to the roof lift and loft conversion, the appeal is dismissed.

*Ian McHugh*   INSPECTOR