
Appeal Decision

Site visit made on 22 November 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 7th December 2016

Appeal Ref: APP/T2350/D/16/3160835
77 Inglewhite Road, Longridge, PR3 2NA

- 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 John Simpson against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0701, dated 31 March 2016, was refused by notice dated 13 September 2016.
 - The development proposed is ground and first floor extensions to side & rear elevations with porch to front.
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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. The appeal dwelling is one of a pair of attractive semi-detached properties on the southern side of Inglewhite Road. These properties are of a consistent design to the semi-detached properties to the east. The adjoining semi-detached property has a recessed 1.5 storey extension to the side.
 4. The proposed extension would create a large 2-storey addition to the existing dwelling. This would increase the width of the property by more than 50%, creating an unduly large and dominant extension that would detract from the appearance of the host property. This would appear incongruous within the street and would visually unbalance the pair of semi-detached properties. The proposed porch feature would further contribute to the unbalancing of the properties, and would be in advance of the existing bay window at the front. The harm caused by the extension would be exacerbated by its prominence in views from the west.
 5. Whilst the adjoining property (No 75) has an existing 1.5 storey side extension, this is recessed from the front elevation, and is much lower in height than the appeal proposal. The presence of this existing extension would not act as a counterbalance to the much larger and more prominent extension that is proposed.
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6. In addition, whilst some sympathetic design features are proposed, such as the roof shape and matching materials and fenestration details, this would not overcome the concerns I have identified above. The presence of modern detached properties of a separate design to the west also does not justify a development of this nature.
7. I conclude that the development would unacceptably harm the character and appearance of the area. It would therefore be contrary to Policies DMG1 and DMH5 of the Ribble Valley Core Strategy (2014). These policies seek, amongst other things, to ensure that new development is built to a high design standard.

Conclusion

8. For the reasons set out above, I conclude that the development would unacceptably harm the character and appearance of the area. Whilst the development would allow the appellant additional accommodation space, this does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

Appeal Decision

Site visit made on 22 November 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 6th December 2016

Appeal Ref: APP/T2350/D/16/3157387

Blue Trees, Manor Road, Copster Green, Lancashire, BB1 9EP

- 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 Rowley against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0333, dated 11 April 2016, was refused by notice dated 6 June 2016.
 - The development proposed is resubmission of application ref 3/2016/0114, for the erection of garage and boundary fence.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the living conditions of the occupiers of Oaksmead with regard to an overbearing impact, overshadowing, and loss of outlook.

Preliminary Matter

3. The site was recently subject to an appeal decision (ref APP/T2350/D/16/3150282), which was dismissed, for a very similar development to that currently proposed. The previous scheme was for a garage in the same location, and with the same footprint and height as the current appeal proposal. Given the similarities between the two proposals, and the date of the recent appeal decision (10 August 2016), I must attach significant weight to the previous Inspector's findings.

Reasons

Character and appearance

4. The proposed garage would be large and the appellant states that it is required to accommodate a caravan / motorhome. It would be 4.2 metres in height to the eaves and almost 5.9 metres to the ridge. The garage would be visible from road through the gap between Hill Top Bungalow and Oaksmead.
 5. The previous Inspector found that the overall scale of the garage would not reflect the semi-rural residential character of Copster Green, and would appear incongruous to the area. These observations equally apply to the current
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appeal proposal, which is very similar in scale and design. The garage would be a large and intrusive presence that would be at odds with the character of the area. The fact that it would only be visible from a section of the road does not alter my view in this regard.

6. The proposed fence would extend along the boundary with Oaksmead, and would be 2.5 metres in height along most of its length. Whilst there would be a step down in height closer to the road, it would still be prominent in views along the street. The fence would also be taller and of a different construction to other boundary treatments in the vicinity. In my view, it would be visually intrusive and out of keeping with the character of the area.
7. The appellant highlights a recent planning permission to extend the adjacent property and considers that this sets a precedent that favours the current appeal proposal. Whilst the full details of that approval are not before me, it is clear that it related to a front extension to an existing property rather than a new outbuilding. The comparison with the current development is therefore inexact. In any event, I must consider the appeal proposal on its merits.
8. I conclude that the development would unacceptably harm the character and appearance of the area. It would therefore be contrary to Policies DMG1 and DME2 of the Ribble Valley Core Strategy (2014). It would also be at odds with the National Planning Policy Framework ('the Framework') which seeks to secure good design.

Living conditions

9. The proposed garage would be located next to the boundary with Oaksmead. The previous Inspector found that the earlier proposal was visually intrusive when viewed from the garden of Oaksmead. The current appeal scheme is the same height as that proposal, and is in the same location next to the garden to Oaksmead. In my view, it would be visually oppressive and overbearing to users of the rear garden.
10. The long stretch of fencing along the boundary would be lower in height than the existing hedge, and would not therefore have an unacceptable overbearing impact on the rear windows or garden of Oaksmead. However, at the front of the property, where the boundary is currently low and supplemented with planting, the proposed 2.5 m high fence would harmfully reduce the outlook from the nearby ground floor window to Oaksmead. Whilst this impact may change if the approved extension to Oaksmead is built, construction work did not appear to have started at the time of my site visit. I cannot therefore be certain that this extension will be built.
11. I conclude that the development would unacceptably harm the living conditions of Oaksmead with regard to an overbearing impact and loss of outlook. It would therefore be contrary to Policy DMG1 of the Ribble Valley Core Strategy (2014). It would also be at odds with the Framework which seeks to ensure a good standard of amenity for existing occupiers.

Other Matter

12. The development would be accessed via the existing driveway which runs along the boundary with Oaksmead. However, as the proposed garage would be used in conjunction with the existing dwelling I do not consider that the development would materially increase the use of this driveway.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR



Appeal Decision

Site visit made on 28 November 2016

by Anthony J Wharton BArch RIBA RIAS MRTPI

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

Decision date: 14 December 2016

Appeal Ref: APP/T2350/C/16/3152735

Wiswell Shay Farm, Wiswell Lane, Whalley, Clitheroe BB7 9AF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Stuart Bell against an enforcement notice issued by Ribble Valley Borough Council (the LPA).
 - The enforcement notice was issued on 23 May 2016.
 - The breach of planning control as alleged in the notice is:
The unauthorised erection of walls exceeding:
 - 1 metre in height facing the highway between the locations marked A & B on the attached plan; and
 - 2 metres in height at the locations marked X on the attached plan.
 - The requirements of the notice are to:
Reduce the height of the wall to:
 - Less than 1 metre in height facing onto the road between the locations marked A&B on the attached plan: and
 - Less than 2 metres in height at the locations marked X on the attached plan.
 - The period for compliance with the requirements is 12 weeks.
 - The appeal is proceeding on grounds (a), (c), (f) and (g) as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal succeeds to a limited degree on ground (g) only. Otherwise the appeal is dismissed and the notice is upheld (see formal decision below).

Background information and relevant policy

2. The appeal site forms part of the boundary to the residential dwelling at Wiswell Shay Farm, Wiswell Lane, Whalley. The wall in question has been erected between the front of the house (Cottage No 1) and the highway. The red line area incorporates No 1 which is at the western end of the row. I noted that this had been extended to the west and that a telegraph pole had been re-positioned to a location adjacent to the new high curved wall (at X). The site is located outside of the settlement boundaries and lies within the open countryside.

3. The most relevant development plan policies are Policy DMG1 (General Considerations) and DME2 (Landscape and Townscape Protection) of the Ribble Valley Core Strategy (RVCS). The National Planning Policy Framework (NPPF) is relevant and in particular the relevant core principles and section 7 which requires good design. The CS policies are up to date and accord with those of the NPPF.

The appeal on ground (c)

4. To be successful on ground (c) it must be shown that planning permission is not required for the development carried out, either because permission is already in place, or that it constitutes permitted development and does not require express consent. There is no permission in place and thus, to be authorised, the

development must satisfy the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

5. In particular it must satisfy Schedule 2, Part 2, Class A of the GPDO. This sets out that any gate, fence, wall or means of enclosure erected adjacent to a highway is not permitted development (PD) if it exceeds 1 metre in height. Case Law has established that a reasoned approach to what denotes being 'adjacent' to a highway is being within 2 metres of the said highway. The sections of wall, from A to B and at XX, both exceed the 1m which would be permitted under the GPDO.

6. In this case, it is argued on behalf of the appellant that, when measured from the inside, the 1m limit is not exceeded and that the walls are retaining walls. From my site visit, I noted that that was the case and I also accept that there had been previous walls along this part of the highway. However, the Council's evidence, including the submitted photographs, clearly indicates that the previous wall along this part of the highway sloped towards the west and was also partially covered with planting. At the junction of the access with the highway, it appears that the boundary treatment was simply a hedge and one of the photographs shows a lawned area sloping upwards toward the cottage.

7. As indicated above, Case Law has established what denotes being '*adjacent to a highway*' and that a reasonable figure is within 2 metres (comprising both footway and carriageway where appropriate). Any height measurement is taken from the natural ground level adjacent to boundary which fronts the highway and irrespective of any different height on the other side of the wall. In this case, any measurement would be taken from various points along the length of the wall.

8. It is illogical and incorrect to suggest that the opposite should be the case. In this instance new walls, as a matter of fact and degree, have been built adjacent to the highway. Both sections (AB and XX) of wall enforced against are within 2m of the highway and both exceed the permitted development heights. Although the GPDO states at Article 1(3) that, when measuring height in the case of no uniform level, the higher level is to be taken, this definition does not apply to walls or fences. In this case, therefore, and irrespective of the groundwork carried out on the inside of the walls, planning permission is required for the works as carried out.

9. Furthermore, the works carried out, (albeit that the wall is similar in places to that which existed), constitutes the replacement of the pre-existing wall and its extension to the junction at the site access point. In my view, it is not a situation which falls into the category whereby the GPDO allows a fence or wall to be '*maintained, improved or altered*'. The works carried constitute new development. Irrespective of the height of the wall on the appellant's side of the wall, the new wall as built, therefore, requires planning permission. There is no permission in place ne in place and the appeal fails on ground (c).

The appeal on ground (a)

10. The main issue is the effect that the new wall has had on the character and appearance of this part of Whalley.

11. Having seen the wall from both near and distant viewpoints (including from the A671), I share the Council's concerns about its stark and visually harmful impact on the character and appearance of this part of Wiswell Lane. Due to its scale, height and form and because it is devoid of any vegetation it is seen as being most unnatural and urban development rather than being perceived as rural in its character and appearance. Because of this I agree with the Council's description of it currently looking most incongruous and visually harmful.

12. It is not just a question of the land lacking any soft landscaping: I also consider that the formation of the front area of grass and kerbing are also harmful to the character and appearance of this rural lane. Overall the works carried out are far from being of a high quality of design. Although the wall is of natural stone the way it is laid is slightly different to that of the cottage and its new extension. It is now clearly a retaining wall but it is retaining significantly more ground than the previous boundary treatment. I do not accept the contention on behalf of the appellant that *'there has been a wall here of the same height and using the same stone material for as long as anyone can remember'* or that the wall has simply been re-sited. Its height, overall massing and re-positioning all add to the unnatural and urban appearance of the unauthorised structure. I note the intention to place a coping stone on top of the wall but that will result in it being even higher and will not overcome the visual harm that I have identified above.

13. In my view the works as carried out are contrary to policies DMG1 and DME2 of the RVCS. The works are not of a high standard of building design; they are not sympathetic to the existing location in terms of size and nature and they detract markedly from the visual appearance of their surroundings and the existing landscape character of the area. During my visit I noted other high stone boundary treatments on the road into the village, but most of these were historic boundaries which incorporated some soft-landscaping resulting in a more rural, rather than urban appearance. I agree with the Council that the works as carried out have significantly harmed an important landscape feature of the area.

14. I also find the works to be contrary to some of the core principles and policies of the NPPF. In particular I do not consider that the works have secured a high quality of design and a good standard of amenity for all; they have not established a strong sense of place; they have not responded to local character and they are far from being visually attractive. These works are of very poor design and the NPPF at paragraph 64 indicates that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions. Instead of improving the area, these particular works detract from its qualities and character.

15. The Council (for the reasons set out in the notice) would clearly not have granted planning permission for these works. I agree with the Council's reasons and thus there can be no justification in granting permission at this appeal stage. The appeal also fails, therefore on ground (a) and planning permission will not be granted for the unauthorised development as carried out.

The appeal on ground (f)

16. The appellant repeats arguments which relate back to the ground (c) appeal. However I consider that, as a matter of fact and degree, the wall is *'adjacent to the highway'* for the purposes of the GPDO. In such circumstances measurements are not taken from the opposite (or inner) side of the wall to the highway. The suggestion, therefore, that there is a height limit of 2m because the wall is not adjacent to the highway is not accepted. In any case it is requested that, because there would be little difference in what has been built and a 2m limit, then the wall should be considered acceptable. But, this is not the same as showing what lesser steps would, or could, overcome the harm caused by the works as carried out.

17. The Council issued the notice to remedy the breach and to remedy any harm to amenity. The appellant has not shown that any lesser steps would achieve this aim and the appeal also fails on ground (f).

The appeal on ground (g)

18. A period of 6 months is requested due to the fact that the appellant has a full-time job and is carrying out all of the works himself. This is a reasonable request and I consider that a period of just 12 weeks is unreasonable. I consider that a 6 month period would enable the appellant to liaise with the Council and to work out the necessary new levels to the site, as well as producing a landscaping scheme which would work in conjunction with the requirements. The appeal succeeds to this limited degree and the notice will be varied accordingly.

Other Matters

19. I have considered whether a landscaping condition could overcome the harm caused and I accept the need to retain some ground between the buildings and the highway. This was achieved before with the cottage in the same location and, from what I have seen, it would still be possible, even if the wall is reduced in height.

20. I do not consider that the simple imposition of a landscaping condition would overcome the current harm caused. Because of the complexities of levels and the overall relationship of any boundary treatment, it is my view that a comprehensive design to incorporate landscaping is required. I have referred in principle to this in the ground (g) appeal above.

21. In reaching my conclusions I have taken into account all of the other matters raised by, and on behalf of, the appellant. These include the details set out in the initial appeal statement (June 2016) and the final submissions in response to the Council's statement.

22. With regard to the latter this includes the fact that the Council's photographs are not recent; that they do not reflect the situation before the wall was built; that the 'before and after' photographs prove this point; that it is proposed to plant the boundary; that the wall would be capped; that there are other high stone walls nearby; that the tree indicates that levels have not changed appreciably; that there is a grassed area between the wall and the highway; that the 1m height limit relates to highway safety; that the highway authority raises no sight-line issues; that sight-lines are improved and that the suggested condition is acceptable with regard to the site adjoining and including the wall.

23. However, none of these matters carries sufficient weight to alter my conclusions on the grounds of appeal and nor is any other factor of such significance so as to change my decision.

Formal Decision

24. The appeal succeeds to a limited degree on ground (g) only and I direct that the figure and word '12 weeks' be deleted from part 6 of the notice (TIME FOR COMPLIANCE) and that the figure and word '6 months' be substituted therefor.

25. Otherwise the appeal is dismissed and the enforcement notice is upheld as varied. Planning permission is refused for the application deemed to have been made under section 177(5) of the Act.

Anthony J Wharton

Inspector

Appeal Decision

Site visit made on 13 December 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/T2350/W/16/3154040

3 Accrington Road, Whalley, BB7 9TD

- 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 Peter Street against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0387, dated 21 April 2016, was refused by notice dated 20 June 2016.
 - The development proposed is the demolition of stone boundary wall and creation of a 2-storey extension to accommodate ground floor retail space and a first floor one bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed building would preserve or enhance the character or appearance of the Whalley Conservation Area.

Reasons

3. The site is a gap between two commercial/residential units within the Whalley Conservation Area which is characterised by stone buildings, small, local shops and traditional inns. No 1-3 Accrington Road, to which the proposed building would be attached, has been defined by the Council as a Building of Townscape Merit (BTM). This BTM is a large 2-3 storey, stone, corner property with deeply recessed windows and doors with painted stone surrounds. The lower 2-storey element is the part of the building which would adjoin the proposed development.
 4. The proposed structure would have two full storeys and a tall roof which would accommodate a bed deck. Whilst the eaves at the front of the proposed building would align with those of No 3, the eaves at the rear would be higher and the pitches of the front and rear roof-slopes would not match each other. As a result the ridge of the roof would be substantially taller than that of the adjoining building. The mis-match between the new and existing eaves, roof heights and roof pitches would result in an unattractive and incongruous addition to the BTM.
 5. Furthermore, many of the surrounding shops and inns have traditional shopfronts with stall-risers and pilasters or masonry around the windows and these are an important characteristic of the conservation area. The butcher's
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- next door is an example of such a format. Conversely, the proposed shopfront would be a large window which would wrap around the corner of the building giving the impression of the 1st floor floating above it. This design would be at odds with surrounding traditional shopfronts.
6. In addition, whilst the upper floor windows would line up with the other windows in Nos 1-3, they would lack glazing bars and the window wrapping around the corner would further exacerbate the “light-weight” appearance of the front façade. The generous use of glazing would be inharmonious amongst the surrounding solid and traditionally proportioned buildings. In summary, the proposed building would introduce a style that would be visually incompatible with, and would dilute, the character and appearance of the conservation area.
 7. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal would be incongruous with its surroundings but, as it would constitute a small part of the conservation area as a whole, it would cause less than substantial harm to the special interest and significance of the conservation area. In these circumstances paragraph 134 of the National Planning Policy Framework says that the harm should be weighed against the public benefits of the proposal. The proposal would make a small addition to the local housing supply and it would make some contribution to the local economy and community by providing additional retail space. However, I do not consider that these public benefits would be sufficient to outweigh the harm I have found.
 8. I therefore conclude that the proposed building would fail to preserve let alone enhance the character and appearance of the Whalley Conservation Area. Consequently, I find conflict with Policies DMG1, EN5 and DME4 of the Ribble Valley Core Strategy, 2014 which seek to ensure that development respects its context and protects heritage assets. It would also conflict with the key design principles of the Whalley Conservation Area Management Guidance which include that all new development should maintain the historic pattern of development and to reflect the proportion of solid to void found in the elevations of traditional buildings.
 9. I have considered all other matters raised but nothing outweighs the harm I have found and the appeal is dismissed.

Siobhan Watson

INSPECTOR

Appeal Decision

Site visit made on 13 December 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/T2350/D/16/3158592

10 Pendle Drive, Whalley, BB7 9JT

- 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 Mrs C Pickles against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0459, dated 11 May 2016, was refused by notice dated 27 June 2016.
 - The development proposed is the creation of a balcony over existing extension.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a balcony over existing extension at 10 Pendle Drive, Whalley, BB7 9JT in accordance with the terms of the application, Ref 3/2016/0459, dated 11 May 2016, 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 plan: 65/16 Revision A dated May 2016.
 - 3) Before the commencement of development, full details of the proposed screens around the balcony, including samples of materials to be used, shall be submitted to and approved in writing by the local planning authority. The screens shall be erected in accordance with the approved details and shall be retained thereafter.

Main Issues

2. The main issues are the effect of the proposed balcony upon the (i) living conditions of the occupiers of nearby dwellings in respect of noise and privacy; and (ii) character and appearance of the area.

Reasons

Living Conditions

3. The appeal property is a detached dwelling with a large single storey rear extension over which the balcony is proposed. Concerns have been raised about noise and disturbance coming from the balcony especially during the evening and at weekends. I note comments that noise travels further at higher levels, however, I have little convincing evidence that the balcony would emit more noise to adjoining properties than might come from the garden. I have
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no real reason to believe that the balcony would result in large gatherings and noisy parties or that the noise would be anything more than that already expected within a residential area. Furthermore, the house is detached and there is separation between nearby adjacent properties.

4. Both sides of the balcony would have 1.8m obscure privacy screens which would prevent unacceptable overlooking of the dwellings to each side of the balcony. The Council has not substantiated its claim that the balcony would result in a "perception" of the front windows of No 12 and 14 being overlooked so I give little weight to this idea. Some overlooking of the garden of No 8 would be possible from the rear of the balcony but this would be little more than would already occur from the rear first floor windows.
5. I appreciate that the occupiers of Nos 12 and 14 would be able to see the balcony from their front windows but the properties are not close enough to the appeal site for the screens to be a dominant feature in their outlook.
6. I therefore conclude that the proposed balcony would not harm the living conditions of the occupiers of nearby dwellings. Consequently, I find no conflict with Policy DMG1 of the Ribble Valley Core Strategy 2014 (CS), which seeks to protect existing amenities.

Character and Appearance

7. The screens would be fairly tall and would extend along the full length of the flat roof. However, the top of them would be lower than the eaves of the main part of the house which is a substantial building. Therefore, the screens would be subservient. Moreover, they would be at the rear of the property which has only limited views from the street. Given the combination of these factors, I do not consider that the balcony would be unsympathetic or incongruous to the dwelling or to the wider area.
8. I therefore conclude that the proposed balcony would not harm the character or appearance of the area. Consequently, I find no conflict with CS Policies DMG1 or DMH5 which seeks to protect visual amenity.

Conditions

9. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary in the interests of precision, to define the plans with which the scheme should accord. Further details of the screen are necessary in the interests of the privacy of neighbours. This condition (No3) is a pre-commencement condition as it cannot be dealt with satisfactorily at any other time.

Conclusion

10. For the above reasons, the appeal is allowed subject to the conditions.

Siobhan Watson

INSPECTOR