



Appeal Decision

Site visit made on 7 July 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal Ref: APP/T2350/D/19/3243899

8 Back Lane, Rimington BB7 4EL

- 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 Ms E Porter against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0777, dated 15 August 2019, was refused by notice dated 17 October 2019.
 - The development proposed is two storey extensions to rear and front, and a single storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Amended plans and elevations (Drawing A300 Revision B) were submitted during the determination of the planning application, the most significant difference from the original being the reduction in depth of the proposed front extension from around 2m to 1m. Although the Council's officer report refers to the proposed front extension being 2m deep, its references to the separation distance between the appeal property and the neighbouring house at No 12 Back Lane reflect the amended scheme. Furthermore, it is clear from the evidence before me that the Council received and commented on the amended proposal before making its decision, although it considered that the amendments did not overcome its concerns about the scheme. I have determined the appeal on the basis of the amended plans.

Main Issue

3. The main issue is the effect of the proposal on living conditions for occupiers of neighbouring properties, in respect of light, privacy, and outlook.

Reasons

4. No 8 Back Lane is a two-storey, link detached dwelling dating from the 1970s, set some way from Back Lane itself in a small cluster alongside Nos 6 and 10. A driveway rising up between Nos 4 and 12 Back Lane provides access to the group. The appeal property has a hardstanding area to its front, and a private garden to the rear.

5. The appellant wishes to refurbish, remodel and extend No 8. At the front, a two-storey extension around 1m deep, 4.2m wide, with a forward-facing gable measuring approximately 5.4m to the eaves and 6.6m to the ridge is proposed. To the rear, there would be a two-storey extension to a gable end around 4m deep, 6.7m wide, with an eaves height of approximately 5m and a ridge a little way below that of the existing dwelling. There would be an additional single-storey angled side and rear extension, increasing from around 1.1m wide at the existing rear elevation of the host property to around 2.7m at its end point a further 1m or so beyond the rear of the proposed two storey extension.
6. No 12 Back Lane lies to the north of the appeal site, at a significantly lower level and with its rear garden facing towards No 8. The rear of No 12 is already overlooked from the upper floor of the appeal property, although dense boundary planting provides some screening to parts of the garden. The proposed front extension would, in its amended form, be around 21m from the rear elevation of No 12. Although the window would be only around 1m closer to No 12 than the existing upper floor window it would replace, the overlooking of the rear windows and garden of No 12, and the consequent harmful effects on the privacy of the occupiers of that property would be exacerbated by the slope of the land. While there is no adopted Supplementary Planning Document (SPD) providing detailed guidance on matters such as separation distances for house extensions, I acknowledge the appellant's point that in many circumstances 21m is considered an acceptable minimum separation distance between windows of habitable rooms. However, because of the sloping land in my view a greater separation distance would be necessary to prevent harmful overlooking in this case. While the existing situation already appears less than ideal in this regard, that does not in itself justify allowing further harm.
7. No 10 Back Lane is a detached house to the north east, set some way forward of No 8 and with a gap of approximately 2.7m between the two dwellings. At ground level an extension containing a dining kitchen finishes slightly short of the existing rear of No 8, and has two windows in its rear elevation. The proposed extension would increase the overshadowing of the window nearer to No 8, and there would be a reduction in daylight reaching the window, as well as some loss of outlook. The evidence before me indicates that that window serves the kitchen area of the room but, in my experience and contrary to the appellant's argument, it is usual to treat a dining kitchen as a habitable room. I consider that the loss of light and outlook which the proposed extension would cause to this window would therefore be detrimental to the living conditions of the occupiers of No 10, although this would be mitigated somewhat by the presence of another larger window and, on a different elevation, a double doorway serving the dining area within the same room.
8. At first floor level there are three windows on the rear elevation of No 10, although that nearest the appeal property serves a bathroom. The second window serves a bedroom and, because of its separation from the proposed extension, I am satisfied that the development would not lead to harmful overshadowing of that window. Information provided by the appellant indicates that the extension would not breach the '45 degree rule', and so there would be no harmful effect on outlook from that room. While there is no adopted SPD to provide advice on such matters, the '45 degree rule' is a useful aid to assessing effects on outlook, and on the basis of the evidence before me as well as what I observed on my site visit I am satisfied that the proposed extension would not lead to serious harm in this regard.

9. The substantial size of the proposed extension would also lead to some increased overshadowing and a greater sense of enclosure in the rear garden of No 10, although this would not amount to significant harm in itself because of the angled boundary between the two properties, as well as the slope and reasonably generous size of the rear garden of No 10.
10. No 6 Back Lane is connected to the appeal property by a single storey structure which was originally garages for the two dwellings, although both garages have at some point been converted to provide additional living space. Because of the separation between the proposed extension and No 6, as well as the alignment of the two properties, no harmful effects on the living conditions of the occupiers of No 6 were identified by the Council. None of the information before me leads me to a different view.
11. The appellant has suggested that a two-storey extension projecting 3m from the rear elevation could be built under permitted development rights, and I understand that a Lawful Development Certificate (LDC) for such an extension has been applied for. However, it could not include a two-storey front extension, so would not have the same impact on privacy at the rear of No 12 as the current scheme. A 3m extension would also cause less overshadowing and a lesser sense of enclosure in the rear garden of No 10. I do not know the outcome of the LDC application, but it is clear that there is a real prospect of some extension being built. However, I consider that any permitted development extension would be less substantial than the proposal now before me, and so would be less harmful to neighbours' living conditions.
12. The appeal proposal would have a significantly harmful effect on the living conditions of the occupiers of No 12 arising from a loss of privacy. There would also be some loss of light and outlook for the occupiers of No 10, as well as an increased sense of enclosure in the rear garden of No 10. For the reasons I have described I do not consider that the proposal would cause significant harm to the living conditions of the occupiers of No 10 if looked at in isolation. Nonetheless, taken as a whole I conclude that the proposal is contrary to Policies DMG1 and DMH5 of the 2014 Ribble Valley Core Strategy, which among other things seek to ensure that development is well designed and does not cause unacceptable harm to neighbours' living conditions.

Other Matters

13. Although the proposal would represent a substantial expansion of the host property, no concerns were raised that it would have a harmful effect on the character and appearance of the area. None of the evidence before me or my observations at the time of my site visit lead me to a different conclusion. However, a lack of harm on this matter is a neutral factor which does not outweigh the other harm to neighbours' living conditions which I have found.

Conclusion

14. For the reasons given above the appeal is dismissed.

M Cryan

Inspector



Appeal Decision

Site visit made on 28 July 2020

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 20th August 2020

Appeal Ref: **APP/T2350/D/20/3248554**

The White House, Sawley Road, Sawley BB7 4LE

- 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 Monaghan against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0975, dated 18 October 2019, was refused by notice dated 31 January 2020.
 - The development proposed is the alteration of the principal elevation to include the construction of a single storey porch and two storey gabled elevation. The works will include the addition of a replacement conservatory with decked terrace to the south west of the property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including Sawley Conservation Area and the setting of Listed Buildings.

Reasons

3. The White House is a modern detached dwelling finished in white render with a pitched roof. It is in the Sawley Conservation Area (the CA), the significance of which derives in part from its historic and listed buildings and its landscape setting. The property is set back from the road between a single storey dwelling and Arches Cottages, a Grade II listed building comprising a pair of historic stone-built dwellings with features including mullioned windows, chamfered stone surrounds and a Tudor-arched doorhead. On the opposite side of the road is Sawley Abbey, a ruined Cistercian Abbey dating from 1147 that retains extensive upstanding medieval remains and undisturbed earthworks. The Abbey is a Grade I listed building and a Scheduled Monument, which are historic assets of the highest significance.
4. Where proposals affect Conservation Areas, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of any function under the Planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5. In respect of listed buildings, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
6. The Framework advises that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The significance of the asset can be harmed or lost as a result of the alteration or destruction of the asset or from development within its setting. In this respect, and although relatively simple in design, The White House is one of several prominent modern buildings that are acknowledged to compete visually and detract from the setting of Sawley Abbey.
7. The proposal, with its prominent front extension and gable, roof lights and extensive timber cladding, would be an overtly contemporary and incongruous form of development in this part of the street. It would be a dominant feature that would be discordant when viewed in juxtaposition with the neighbouring listed building. It would distract attention and it would detract from the ability to appreciate the nearby listed buildings including the Scheduled Monument. Therefore, the proposal would make a negative contribution to the setting of the neighbouring Grade II and Grade I listed buildings and Scheduled Monument. It would fail to sustain or enhance the setting, and hence the significance, of the designated heritage assets.
8. Although it would be screened in part by the front boundary treatment, the extensions and alterations to the front of the property would be visible from locations along the road and from the grounds of Sawley Abbey. From surrounding locations, including more distant views towards the CA, the increased mass of the building and its roof extensions would be a visually obtrusive feature in the townscape. The increase in the bulk of the building and its contemporary appearance would not be in keeping with the traditional historic character and appearance of the CA. Consequently, it would not preserve or enhance the character or appearance of the heritage asset. However, it would be modest in the context of the CA as a whole and consequently it would result in less than substantial harm to the designated heritage asset.
9. By virtue of the harm to the CA and the setting of listed buildings and the Scheduled Monument, the proposal would conflict with policies in the Framework that recognise heritage assets are an irreplaceable resource, and which seek to ensure that they are conserved and enhanced in a manner appropriate to their significance. Although the harm would be less than substantial, the proposal would conflict with Policies EN5, DME4 and DMG1 of Ribble Valley Borough Council Core Strategy 2008-2028 Adopted December 2014. These require, among other things, that proposals should protect and enhance heritage assets and their settings.
10. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. In this case, the appeal property is a private dwelling and there would be no public benefits. Therefore, taking account of the considerable importance and weight that must be given to any harm to heritage assets, I find that the harm

to the significance of the CA and the listed buildings would outweigh the benefits of the scheme.

Other Matters

11. The parties engaged with one another at the pre-application stage and during the processing of the application. A heritage assessment was provided and the proposals were amended, including through a reduction in the extent of glazing and timber cladding. Nevertheless, the amendments were not sufficient to overcome the conflict with the development plan.
12. Although Historic England did not object to the proposal, neither did it support it. The absence of comments does not weigh in favour of the scheme.
13. The proposal would provide an opportunity to improve the energy efficiency of the property. While this would contribute towards the sustainability objectives of the Framework, it seems likely that similar benefits could be achieved by alternative proposals that would avoid the conflict with the development plan.

Conclusion

14. For the reasons set out above, the proposal would be in conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR



Appeal Decision

Site visit made on 28 July 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 25th August 2020

Appeal Ref: APP/T2350/W/20/3251911

2 Moorend Cottages, Ribchester Road, Langho, Blackburn BB6 8AJ

- 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 Ian Walmsley against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2020/0167, dated 21 February 2020, was refused by notice dated 03 April 2020.
 - The development proposed is demolition of existing single-storey lean-to extension to side and replacement with new two-storey extension to side and rear, including balcony to rear and Juliet balcony to side. Single storey extension to side of new two-storey extension. Relocation of front door and construction of new single-storey porch. Further alterations to fenestration at front and rear of existing dwelling including insertion of roof lights. Extension of domestic curtilage to provide new vehicular access and parking.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. No 2 is a semi-detached property that forms part of a small loose cluster of rural built development around Ribchester Road. The appeal property is constructed in stone and slate and it has been previously extended, including a front porch feature and a subservient single storey side extension with a monopitch roof. The appeal site includes the property, its garden and part of the neighbouring agricultural field. It is in the countryside.
4. The proposed extensions and alterations include a 2 storey side extension that would have a slightly lower ridgeline than the host property and it would be set back from the main front elevation. It would have a subservient single storey side extension with a pitched roof and there would be a 2 storey extension to the rear. Taking into account the irregular and extended character and appearance of the pair of properties, the Council considers that the proposed extensions and alterations to the building would not result in any significant harm to the character and appearance of the property or the area. I see no reason to disagree.

5. The proposed extension to the residential land comprises 2 elements. There would be an extension and realignment of the garden immediately adjacent to the property (the garden extension) and the creation of a hardstanding car park with 3 parking spaces (the parking area) in the field to the west.
6. The garden extension would be a relatively modest encroachment into the neighbouring field. It would create a usable area of outdoor space to the rear and side of the extended appeal property. It would provide a reasonable degree of separation between any neighbouring agricultural operations and the dwelling. Notwithstanding that the proposed extensive hard surfacing would not be typical of a rural cottage garden, the garden extension would be well related to the appeal property in terms of its shape and size.
7. The parking area would be an irregularly shaped area of hardstanding approximately 18m by 9m. It would be connected to the appeal property by a path several metres long, set parallel to but away from the roadside hedgerow. Therefore, the parking area would be physically and visually separated from the appeal property and its garden. Part of the roadside hedgerow would be removed to create a new entrance with formal gate posts, a sliding gate and visibility splays. Consequently, the extensive macadam parking area would be a conspicuous and overtly suburban feature.
8. The proposed boundary hedgerow would go some way towards screening the parking area from public views. However, hedgerows would not screen vehicle headlights during hours of darkness and the screening function would be diminished during the times of the year when the shrubs were not in leaf. The hedgerow would not follow any existing landscape features. It would not relate well to the garden boundaries or to the rural field patterns and boundaries. In any case, while planting can help assimilate development into its surroundings, it should not be used to screen inappropriate development from view.
9. By virtue of its length, shape and by protruding into the field partway along the field edge, the parking area would be a discordant feature. It would constitute a significant degree of encroachment into the undeveloped countryside adjacent to the property. It would not relate well to nearby built development or to its rural surroundings. It would be an incongruous, visually obtrusive and uncharacteristic form of rural development.
10. My attention has been drawn to the parking arrangements of other residential properties in the area. On the basis of the information provided, it appears that domestic parking elsewhere is generally well related to the associated property and it forms an integral part of the residential land. In this regard, the proposed parking area does not therefore appear typical of rural parking arrangements. In any case, there is little before me to demonstrate that residential parking elsewhere benefits from planning permission or that it was considered in the same policy context. On this basis, I cannot be certain that it is directly comparable or that it provides a justification for the appeal scheme.
11. Therefore, as a result of the proposed extension to the residential curtilage to provide vehicular access and parking, the proposal would harm the character and appearance of the countryside. It would conflict with Policies DMG1 and DMH5 of the Ribble Valley Borough Council Core Strategy 2008-2028 Adopted December 2014 which require, among other things, that development is sympathetic to its surroundings, having regard to visual appearance and amenity and patterns of land use.

Other matters

12. The appeal scheme is a resubmission of an application (ref 3/2019/0553) that was withdrawn following concerns relating to highways and the extent of the curtilage. I appreciate that the parties engaged with one another at the pre-application stage and during the processing of the application, and the scheme was amended. While the decision of the Council will have been a disappointment to the appellant, as can be seen from my decision the amended scheme does not overcome the conflict with the development plan.
13. While the proposal could result in a reduction in roadside parking, there is no substantive evidence that the existing parking arrangements are detrimental to the safety of users of the highway. The 3 parking spaces would be the minimum required for a property of the size proposed. The large manoeuvring area would enable vehicles to exit the parking area in forward gear. The visibility splays would be adequate. However, the provision of adequate parking in accordance with modern standards is a requirement of planning policy and it is not therefore a matter that weighs in favour of the proposal.
14. I am not aware of any third party objections to the proposal. The proposal would not result in harm to the living conditions of neighbouring or future occupiers. These are matters that carry neutral weight.

Conclusion

15. For the above reasons, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR