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# Appeal Decision

Site visit made on 18 April 2012

by **Nigel Harrison BA (Hons) MRTPI**

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

Decision date: **20 April 2012**

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**Appeal Ref: APP/T2350/D/12/2170328**

**33 Victoria Court, Chatburn, Clitheroe, Lancashire, BB7 4BF**

- 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 David Huyton against the decision of Ribble Valley Borough Council.
  - The application Ref: 3/2011/0982 dated 21 November 2011, was refused by notice dated 25 January 2012.
  - The development proposed is construction of a two-storey side extension to provide living room and utility/wc to ground floor and master bedroom suite to first floor.
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## Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension to provide living room and utility room/wc to ground floor and master bedroom suite to first floor at 33 Victoria Court, Chatburn, Clitheroe, Lancashire, BB7 4BF in accordance with the terms of the application, Ref: 3/2011/0982 dated 21 November 2011, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1731.P.01 Rev B; 1731.P.02 Rev B, and 1731.P.03.
  - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
  - 4) The development shall be carried out in accordance with the actions, methods and timings included in the mitigation notes attached to the *Protected Species Survey* dated 20 April 2011 submitted with the application, and the *Evening Emergence Survey* dated 5 September 2011. In the event that any bats are found or disturbed during any part of the development, work shall cease until further advice has been sought from a licensed ecologist.

## Procedural Matter

2. On 27 March 2012 the Government published the National Planning Policy Framework (NPPF). The documents listed at Annex 3 of the NPPF, which include most pre-existing Planning Policy Guidance Notes (PPG's) and Planning

Policy Statements (PPS's) are now cancelled. I have taken into account the policies in the NPPF, but in my view they do not alter my conclusions or the full weight attached to the saved local plan policies to which I have been referred.

### **Main Issues**

3. I consider there are two main issues in this case. Firstly, the effect of the proposal on the character and appearance of the host dwelling and the streetscene in Ribble Lane; and secondly, its effect on the living conditions of the occupiers of Nos 35-37 Victoria Court with regard to privacy.

### **Reasons**

#### *Character and Appearance*

4. It is proposed to add a part two-storey, part single-storey extension to the side of the dwelling facing towards Ribble Lane. The main two-storey part would be set back from the rear elevation by about 2.3m, with the ridge set at a slightly lower level than the main ridge.
5. The street scene in Ribble Lane is characterised by a mixture of terraced and other dwellings of various styles and ages, generally set back behind modest front gardens, although a nearby dwelling (No 16) directly abuts the lane and creates a narrow pinch point. Overall there is no consistent building line or uniformity, and indeed the appeal property is set below street level at right angles to the lane. The adjacent properties to the north (Nos 35-37) are again set below street level but have their rear elevations facing Ribble Lane.
6. In this context I consider the proposed extension would respect both the architectural integrity of the host dwelling and the pattern of development in the surrounding area. Although it would unbalance the pair of houses, I consider this factor alone is insufficient to render the scheme unacceptable. Due to the significant set-back from the rear elevation and the lower ridge height, I consider the extension would appear subservient to the main dwelling and would not be unduly prominent or disproportionate. Furthermore, its visual impact when viewed from the lane would be mitigated by the change in levels and the tall intervening fence. As such, I am satisfied on this issue that the proposal represents an acceptable design solution that would harmonise with the style of the host dwelling and respect the streetscene in Ribble Lane.

#### *Living Conditions*

7. The Council is also concerned that the first-floor bedroom window of the proposed extension would overlook the rear gardens of Nos 35-37 Victoria Court, adversely affecting privacy levels currently enjoyed by the occupiers. However, the rear gardens are very narrow and allow little opportunity for sitting out or other amenity use. In any event, a certain amount of inter-visibility is already possible from the first-floor rear windows of these dwellings, and also from those opposite. Furthermore, the distance of the extension from the closest rear garden is such that whilst there would be some potential for overlooking, I do not consider it would be to an unacceptably harmful level. Consequently, I conclude on this issue that the proposal would not materially harm the living conditions of the occupiers of Nos 35-37 Victoria Court with regard to privacy.

8. Overall, I find no conflict with saved Policies G1 and H10 of the Ribble Valley Local Plan (LP), which require proposals to be to a high standard of design, appropriate in terms of design, scale and massing, and respect the residential amenity of neighbours. Nor do I find any conflict with advice in the Council's Supplementary Planning Guidance: *Extensions and Alterations to Dwellings*.

*Other Matters*

9. A bat roost has been identified within the loft area of the property. This is an important material consideration as bats and their roosts are protected by the Wildlife and Countryside Act 1981 and the Conservation Regulations 1994. In an attempt to address these concerns the appellant commissioned a second 'Evening Emergence Survey' which confirmed the presence of a Pipistrelle Bat nursery roost with an average size of about 100 individuals. The conservation significance of this building is therefore defined as 'moderate to high', and the survey recommends that any building work should avoid the critical period of May-August when female bats and young are likely to be present, and should not interfere with any of the access or emergence points used by the bats.
10. The Council is satisfied that its earlier concerns can be overcome provided the mitigation measures recommended in the surveys are implemented. From what I have seen and read, and subject to these safeguards, I too am satisfied that the proposal would not harm the site's ecological interest.

*Conditions*

11. I have considered the conditions put forward by the Council in the light of the advice in Circular 11/95. I agree that a condition requiring the submission and approval of materials is necessary in the interests of the appearance of the area. A condition is also needed to secure compliance with the submitted plans, for the avoidance of doubt and in the interests of proper planning. The suggested condition referring to implementation of mitigation measures is necessary in order to safeguard the bat population during site preparation and subsequent building operations.
12. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Nigel Harrison*

INSPECTOR