

Appeal by Mrs J Wilkinson
Proposed extension at Hay Moo, Mellor, Blackburn
Appeal ref: APP/T2350/W/16/3154915

Introduction

1. This is an appeal against the failure of Ribble Valley Borough Council to determine an application for a two-storey extension and garage. These two elements of the scheme are not mutually dependent on each other and, if the Inspector were to consider one element acceptable but the other not, then a split decision would be appropriate
2. The appeal property is a dwelling formed by the conversion of an agricultural barn. The barn was extensively modified and its footprint was considerably reduced in area as part of the conversion works. The current dwelling is quite small with only two bedrooms. The property is within a group of former agricultural buildings, now all in residential use, and is approached via a private road.
3. The building is of no special historic or architectural merit, as is evident from a planning permission granted in 2012 for its demolition and replacement with a large, new-build dwelling.

Proposal

4. The current proposal is to add a two storey extension to the building to create a larger living space and two additional en-suite bedrooms and a small bedroom/office. A garage is proposed on the opposite side of the building and this occupies the site of a lean-to building that was removed as part of the conversion works. All new building work is to be undertaken with external materials appropriate to the locality and complementary to those of the host building. A similar rendered finish with stone quoins was used on the adjoining Glass House, as shown in Photograph 1. The design of the extension and garage is traditional and in keeping with the host building. The scheme is an alternative to the permitted new-build dwelling which is much larger than the appellant's requirements now demand.

Relevant policy considerations

5. Relevant policies are contained in the adopted Ribble Valley Core Strategy. Policy DMG1 is a general policy that, amongst other things, requires development to be well-designed and sympathetic to its context. It should also protect the amenities of neighbours. Policy DMH5 relates to house extensions and, as applicable to this scheme, only requires that proposals accord with Policy DMG1. In essence, therefore, the acceptability or otherwise of house extensions is largely a matter of subjective judgement.
6. In the absence of a decision on the application, it is unclear what the Council's objections to it are, although it is believed that the Council's concerns relate to its

size and massing. One of the Council's officers provided two alternative schemes for extending the dwelling, which he said would be acceptable, but these provided nowhere near the required size of rooms which the appellant wanted and were therefore not an acceptable compromise. Furthermore, the officer suggested that the proposed garage should be moved to the side of the house, which is not possible since in that position it would block agricultural access to the fields beyond. If the garage were to be attached to the opposite end of the house, it would entail a long and impractical driveway through the garden area.

7. In suggesting the smaller extension, the officer took no account of relevant planning history nor did he identify any harm that would be caused by the appellant's proposals.

Purpose of town and country planning

8. Paragraph 49 of the Government's Plain English guide to the planning system provides the latest iteration of the long standing principle that the purpose of the planning system is to control the development and use of land in the public interest. The public interest aspect is important, since it overrides the common law principle that if you own something, it is your right to do what you want with it. It is therefore necessary to show that some harm would be caused to the public interest to justify refusal of planning permission.
9. In some circumstances, it is important as a matter of public interest to show that private interests should be protected, hence unneighbourly development is generally unacceptable.
10. However, in this case, the host dwelling is not visible from any nearby public place and so the proposed extension will have no impact on the public interest. There are nearby dwellings, but none would be affected by the proposed extension, so no private interests would be affected either. There would probably be views of the extended dwelling from some considerable distance away, but the choice of materials commonplace in the locality and the incorporation of traditional design elements would mean that the scheme would not be seen as an incongruous feature in the wider landscape.
11. It is in the public interest to permit development that would not cause any recognisable harm. Development is important to the local and national economy since it provides employment for builders, plumbers, electricians and other tradesmen, and for manufacturers and distributors of building products. Small building schemes like this are the bread and butter of small developers and one man bands but nevertheless make a valuable contribution to the economy. In the absence of any identifiable harm caused by the proposed extensions, it is clearly in the public interest to grant planning permission.

Relevant planning history

12. The officer's objections to the proposed extension are all the more unfathomable when the relevant planning history is taken into account. In 2010 a much larger, more prominent extension over three floors was granted planning permission. This is shown in the drawings attached as appendix 1. More recently still, in December 2012 planning permission was granted for a replacement dwelling which was even bigger and occupied a much larger footprint than the extension now proposed. Furthermore, it was to be located several metres further into the adjoining field than the existing dwelling. Appendix 2 shows the permitted replacement dwelling. The adoption of the Core Strategy since those earlier permissions does not represent a change in relevant circumstances because, with regard to the likely issues of size, massing and visual impact, it only requires a largely subjective judgement to be made, which would need to be informed by the previous permissions. The considerations of design and massing that resulted in the granting of planning permission for those earlier schemes have not been changed by anything in the core strategy. The only change is in the personnel involved at the Council, which is not a material planning consideration.
13. It is also relevant to note that the 2012 permission for the replacement dwelling was commenced and in early December 2015, Steve Clarkson, one of the Council's Building Inspectors, inspected a trench and concrete footings which were incorporated in the proposed replacement dwelling and constituted the commencement of the development in accordance with s56(4)(b) of the 1990 Act. These works are readily visible on site. The 2012 permission therefore remains extant.
14. The proposed garage would be located in the general area where a larger lean-to building stood until it was demolished. It is surrounded on three sides by high walls and the only windows overlooking the area are high level, affording no views of the proposed garage. Mainly as a matter of interest, Photograph 2 shows the original lean-to building. The proposed garage would have no adverse impact on the appearance of the host building, because there are no public views of it, nor would it harm the amenities of any neighbours. It is notable that the occupants of the dwelling with the high level windows have raised no objections.

Summary

15. The proposal is for the erection of an extension and a garage on a property that is of no special architectural or historic interest.
16. The proposed extension is of traditional design and would be carried out in materials appropriate to the area and complementary to those of the existing building.
17. The proposed development would not be seen from any nearby public vantage points. It would not be prominent in any distant views.
18. Neither the extension nor the proposed garage would have any adverse impact on the amenities of neighbours.

19. A much larger extension over three floors was approved in 2010.
20. An even larger replacement dwelling was approved in 2012. That development was commenced and the permission is therefore extant.
21. The scheme contravenes no relevant policies or raises any issues that warrant refusal of planning permission in the public interest. A refusal of planning permission would be against the public interest in that it would prevent development that would benefit the local economy.

Conclusion

22. Taking all relevant matters into account, there are no good reasons to prevent this development from proceeding. It is respectfully suggested that the appeal should therefore be allowed.

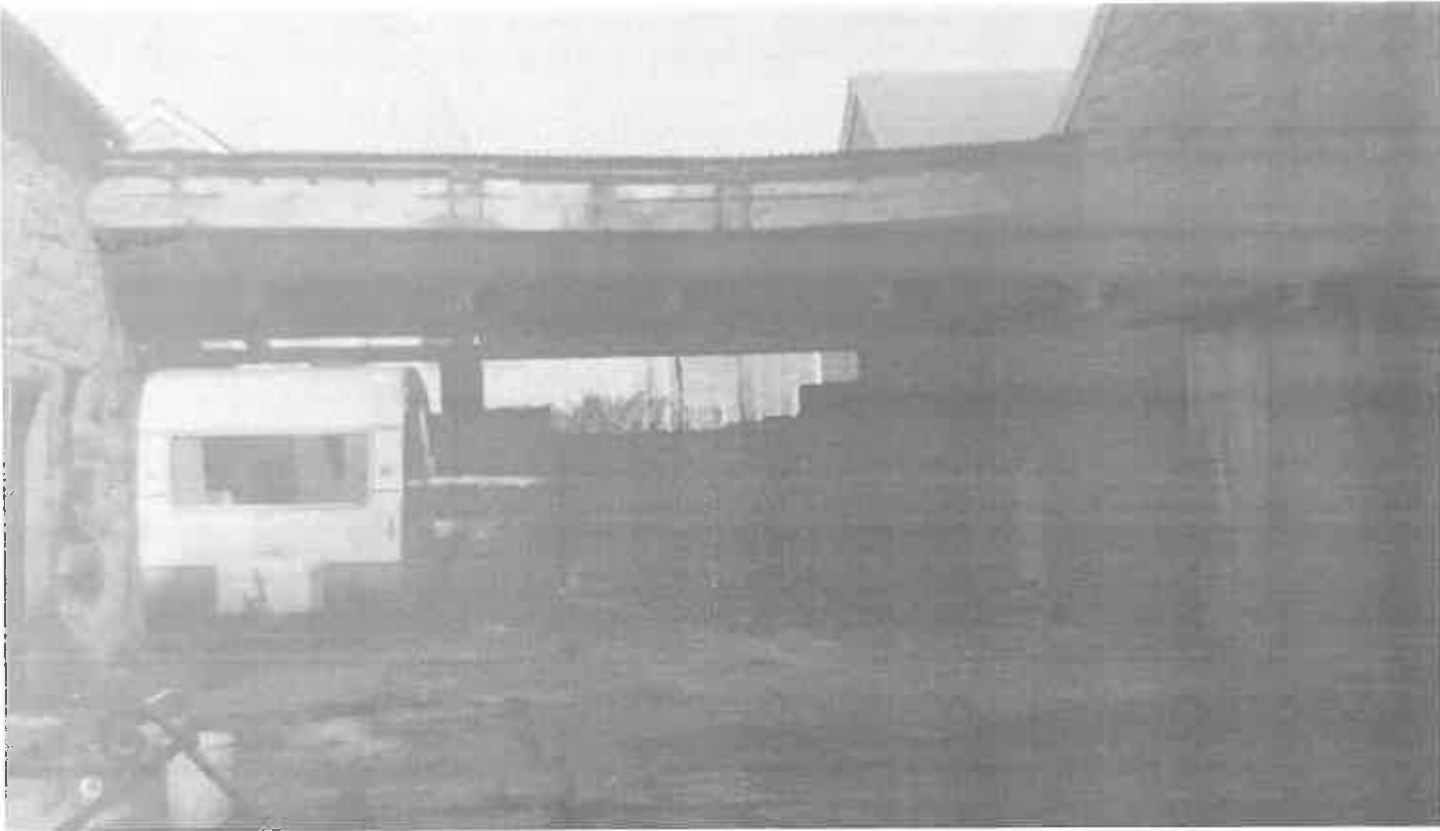
Photograph 1

Rendered finish with stone quoin detailing on adjoining property known as The Glass House



Photograph 2

Previous lean-to on site of proposed garage



Appendix 1

2010 Permitted extension

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Done

2010 Haymoo Extension.PDF



Appendix 2

2012 permitted replacement dwelling (development commenced)

