

# **Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009**

## **Statement of Case on behalf of Mr J Clarke**

6 Loach Field  
Hurst Green

Ribble Valley Borough Council ref – 3/2024/0238

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**August 2024**

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## 1 Introduction

1.1 This Statement of Case is prepared on behalf of Mr J Clarke ('the Appellant') in support of a Written Representations Appeal against the refusal of householder planning permission for the erection of a domestic extension at 6 Loach Field, Hurst Green ('the Appeal site').

1.2 The application (ref – 3/2024/0238) was determined by Ribble Valley Borough Council ('the Council') on the 12th July 2024 and contains a single reason for refusal.

1.3 The reason, as detailed within the decision notice is as follows:

*"The proposed development, by virtue of its size, scale and massing, would result in the introduction of an unsympathetic and incongruous cumulative level of development that would fail to respond positively to the existing visual amenities of the parent property and the wider National Landscape. The proposal would therefore be contrary to the aims and objectives of Policy DMG1 and Key Statement EN2 of the Ribble Valley Core Strategy (2008-2028) and Paragraph 135 of the National Planning Policy Framework"*

1.4 This Statement of Case will fully address the key issues in determining the appeal and demonstrate why consent should be granted.

## 2 Site, surroundings and planning history

- 2.1 The appeal site comprises a relatively modern, detached dwelling located at the northern boundary of a housing estate within the settlement of Hurst Green.
- 2.2 Access to the property is initially taken from Whalley Road (the B6243) and then via the internal road network of Loach Field.



**Figure 1** – site location

- 2.3 In terms of local vernacular, the site is visually contextualised by the neighbouring dwellings which make up the remainder of this estate. There is some variation in the properties by way of their type, massing, orientation, roof arrangement and elevational language, though visual consistency is delivered to a degree by the use of combinations of stone and render throughout the development.
- 2.4 As it lies to the rear of the development, the Appeal site is approached from the south via the road network, seen in the context of dwellings (and detached garages) in the foreground before arriving at the property (see photographs below).
- 2.5 When reaching the dwelling, the impression is of a large corner plot with the house positioned towards the south east corner of the curtilage (see Figure 2 below).
- 2.6 The main house takes visual precedence, sitting a short distance from the road, separated by a small grassed area bound by low stone walls. The existing double garage is set back 3.6m from the principal elevation and some 2.5m lower than the ridge height of the host property, making it clearly ancillary.



**Figure 2 – site plan**



**Figure 3 – approach to the Appeal site**





**Figure 4** – principal elevation



**Figure 5** – view towards existing side and rear elevations

Planning History

2.7 The Council’s online planning records indicate two previous applications at the property. A brief summary is listed below:

Ref no.	Description of development	Decision
3/2021/0233	Single storey rear extension, garage extension and dormer windows to garage roof	Approved May 2021
3/2022/0173	Joint application with 4 Loach Field for extensions to each property. Changes to no.6 similar to those approved previously.	Approved May 2022

2.8 Work has commenced on these alterations and is largely completed. The existing double garage was extended by a modest amount to the rear and small dormer windows added to the roof slopes. The single storey rear extension comprises a pitched roof addition with relatively large areas of glazing to the north and west facing elevations, which can be seen in situ.

2.9 The Appeal proposals sought to add a further bay to the existing garage, as shown in the drawing excerpts below. Whilst the description of development does describe the addition as ‘two storey’ this is slightly anomalous and the proposals simply make use of room within the roofspace. The extension is clearly single storey in scale and massing when viewed in the context of the main property.



Figure 6 – proposed elevations

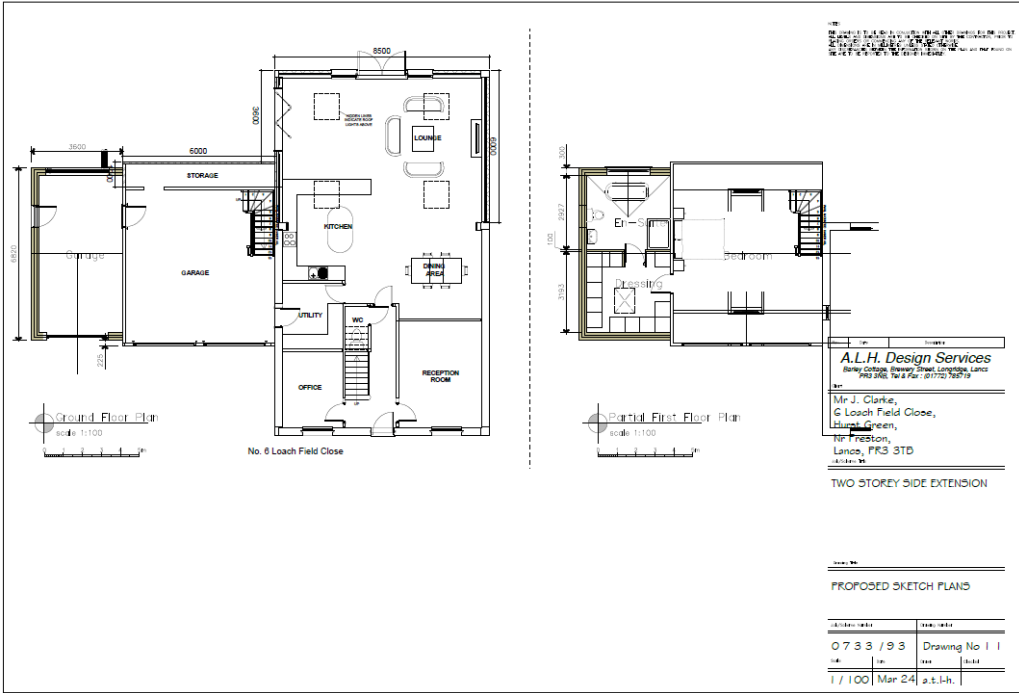


Figure 7 – proposed floor plans



### 3 Planning policy

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole and requires that application be determined in accordance with the plan, unless material considerations indicate otherwise.
- 3.2 For the purposes of this application, the development plan comprises the Ribble Valley Core Strategy (adopted December 2014) The site lies within the settlement boundary for Hurst Green, as shown in the excerpt below:

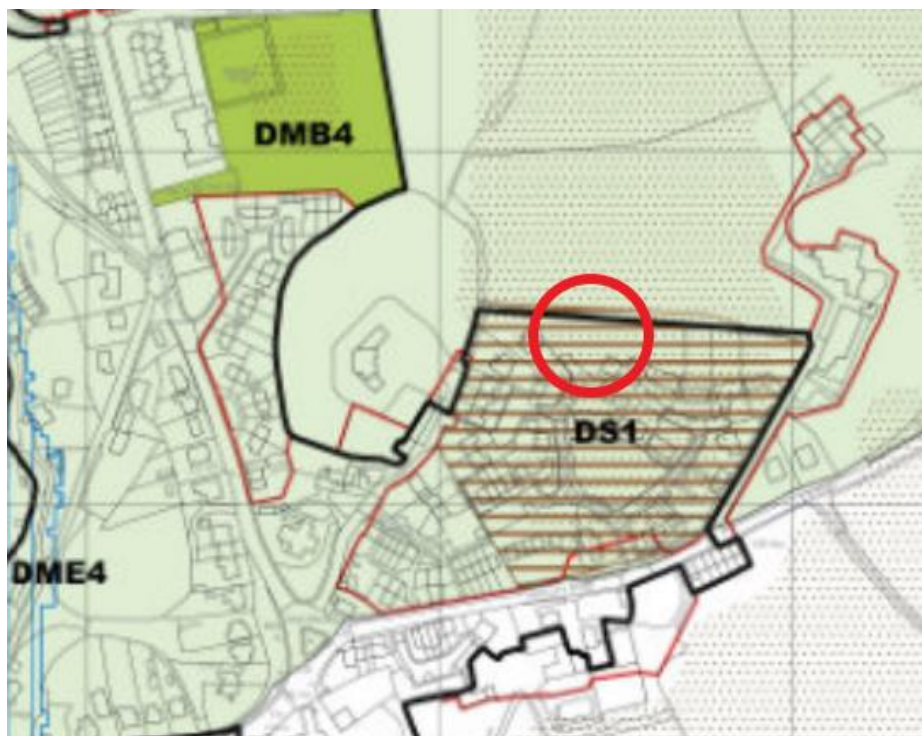


Figure 8 – Policy maps excerpt (site denoted by red circle)

#### The development plan

- 3.3 The reason for refusal contained within the decision notice suggests that the development will result in an *“unsympathetic and incongruous cumulative level of development that would fail to respond positively to the existing visual amenities of the parent property and the wider National Landscape”* by way of its size, scale and massing. All other associated material considerations are deemed to be acceptable, therefore the analysis in this Statement will be limited to consideration of the following Core Strategy policies, cited by the Council:
- **Policy DMG1** sets out various criteria to be considered in assessing planning applications, such as design, layout and density, requires new development to be sympathetic to existing land uses, acceptable in terms of highway safety and should not adversely affect the amenities of the area.

- **Key Statement EN2** states that the landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. Development will be expected to be in keeping with the character of the landscape, reflect local distinctiveness, vernacular style, scale, features and building materials.

### **National policy**

- 3.4 The National Planning Framework ('the Framework') sets out the Government's planning policies for England and details how they should be applied. It requires local planning authorities to adopt a presumption in favour of sustainable development, as detailed within paragraph 11.
- 3.5 In addition to the aforementioned Core Strategy policy, the reason for refusal also cites conflict with paragraph 135 of the Framework, with particular reference in the officer report to subsection c) which requires that "*planning policies and decision should ensure that developments are sympathetic to local character and history, including surrounding built environment and landscape setting*".

## 4 Case for the Appellant

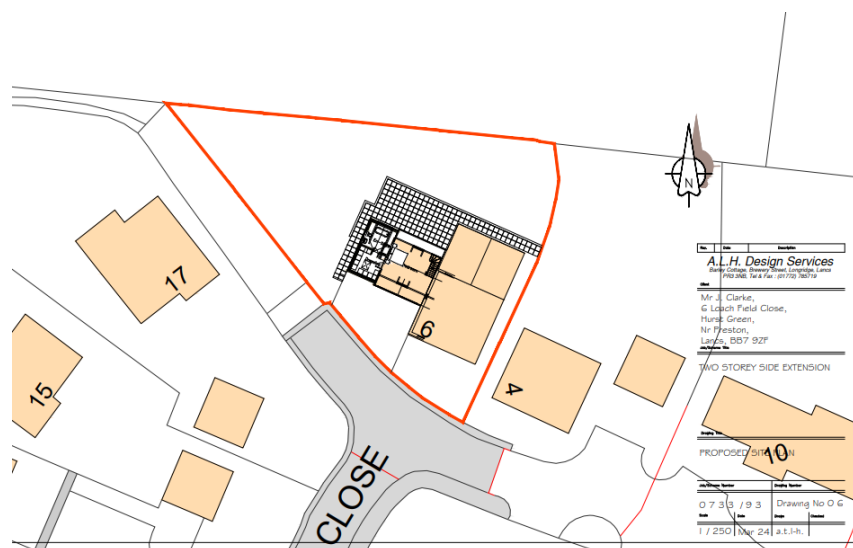
- 4.1 The reason for refusal, as laid out in the decision notice, will be considered below and assessed against the aims and objectives of the respective policies. It is evident that there are two main issues to consider, first the suggestion that the development fails to respond positively to the host property and second, that this impact is sufficient enough to adversely affect the wider qualities of the landscape. Each will be dealt with in turn below.

### **Scale and massing with regard to the host property**

- 4.2 The reason for refusal is expanded upon within the case officer's delegated report. Whilst the full report will be provided to the Inspector as part of the Appeal, the officer makes a number points with regard to the development, which we concur with and can be summarised as follows:
- The principle of an extension is policy compliant, subject to a site specific assessment of material considerations;
  - That the development would have no adverse impacts with regard to the amenities of neighbouring properties;
  - That the proposed use of materials means that the development would “*visually integrate with the external appearance of the existing double garage and surrounding residential properties*”; and
  - That in isolation, the extension would have modest footprint
- 4.3 The concerns which ultimately lead to the refusal however, are that the cumulative impact of the extension would appear “*dominant and disproportionate when read in context with the parent property*” and as such not be subservient in this regard.
- 4.4 It is accepted that the property has been extended previously, with a single storey rear extension and a modest addition to the rear of the existing integral garage, along with the insertion of small dormer windows to each roof slope.
- 4.5 Neither of these alterations have any discernible impact on the appearance of the dwelling within the street scene nor do they significantly alter the perception of it's overall scale and massing. Whilst they are visible from vantage points to the rear, this would primarily be from public rights of way and at a distance of no less than 50m due to the line of the respective paths and the position of the Appeal site.
- 4.6 As referenced earlier in this Statement, the existing double garage at the property is set back some 3.6m from the principal elevation of the dwelling and is clearly ancillary by way of it's height when observed within the street scene. Whilst the addition proposed in this Appeal would add further width to this single storey element, the corner plot location, the position of the

addition and the robust massing of the host property, which takes visual precedence, is such that it is not agreed that the extension can be considered to be either dominant or disproportionate, and particularly not to a degree which unacceptably harms the host property.

- 4.7 It should be further noted that the design of the extension incorporates a small step in the building line which provides a visual break and adds a modest but tangible element of subservience in this regard. Whilst we disagree with the Council's position on the issue of massing and subservience, there is no explicit policy or supplementary guidance requirement for such an approach to domestic extensions, other than the requirement in Policy DMG1 to consider the relationship between buildings. In any event, the need for subservience should be considered in the context of the particular street scene and its characteristics.
- 4.8 The most common situation in requiring extensions to be subservient is where a risk of terracing may occur which would unacceptably alter the character of an area and harmfully reduce the spacing between dwellings. In this instance the property benefits from a spacious curtilage, in which the dwelling is positioned more closely to the eastern boundary of the plot. The proposed addition extends towards the western boundary, with the nearest neighbour (no.17) some distance away and at an angle to the Appeal site.
- 4.9 As a result there would be more than sufficient spacing between the two to avoid any feeling of the development being cramped, particularly with a significant amount of open curtilage being retained as demonstrated in the proposed site plan excerpt below.



**Figure 9** – proposed site plan

- 4.10 There is no element of subservience to the double garages which serve no's 15 and 17, sitting well forward of their properties and being a notable built feature within the street scene. Views would still be readily available through the gap between these garages, the dwelling at no.17 and the extended Appeal site, to the open landscape beyond, retaining the edge of settlement character.

- 4.11 For all of these reasons it is considered that the level of harm suggested in the reason for refusal is overstated and that the scale, massing and size of the extension, in the context of the host dwelling, is not disproportionate, does not unacceptably impact on its character and does not have an adverse impact on the street scene as a whole.

### **Landscape impact**

- 4.12 The decision suggests that there are landscape impacts arising from the development which are sufficient to warrant refusal on these grounds also. However, commentary in the officer report is limited on this point and does not seek to describe the landscape or how it is harmed to contextualise these concerns, simply stating that it would fail to respond positively to the National Landscape (being what was the Forest of Bowland Area of Outstanding Natural Beauty).
- 4.13 Despite this, it is not considered that a small householder extension of this scale, either individually or cumulatively would generate a level of impact to present conflicts with Key Statement EN2 of the Core Strategy, which requires the landscape character to be protected and conserved.
- 4.14 In granting permission twice for extensions to the property in the past, the Council have considered the impact of new built form in this location insofar as it relates to the overall landscape and in the context of the same Core Strategy policies. In determining the first submission (ref – 3/2021/0233) for the rear extension and garage alteration, the officer stated that (emphasis added):

*“The rear of the property is visible from views to the north of the site however due to the topography of the land only the roof of the extension would be visible. As such the design and use of glazing to the rear is considered to have limited impact on the visual amenity of the AONB”*

- 4.15 The application which was determined the following year (ref – 3/2022/0173) contained further assessment on this matter, for a greater quantum of development by way of additions to both no’s 4 and 6 Loach Field. The officer found the following, owing to the sympathetic design and use of materials:

*“...the proposal is considered to be in accordance with Key Statement EN2 in as much that the proposed works would merge well within the existing street scene without detracting from the aesthetic of the wider AONB landscape”*

- 4.16 The officer report in the case of this Appeal already accepts that the development would visually integrate with the appearance of the immediate area and that the footprint is modest. However, it is now suggested that the cumulative impact of this a small extension would escalate what was previously a negligible impact to a level which generates unacceptable landscape harm in this location. It is evident that there is no discernible change to the landscape arising from the proposals and any minor change is localised and of no wider harm.

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**Summary**

- 4.17 For the reasons outlined in this Statement, the Council's findings with regard to the impacts of the development are disputed and it is evident that the cumulative level of change which would occur is negligible. Accordingly, there is no conflict with Policies DMG1 or Key Statement EN2 of the Core Strategy.



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## **5 Summary and conclusion**

- 5.1 This Statement of Case has been prepared on behalf of Mr J Clarke in support of a householder appeal against the refusal of planning permission at 6 Loach Field, Hurst Green.
- 5.2 It has been demonstrated that the principle of a modest domestic extension is acceptable in this location and can be undertaken without causing undue harm to either the character of the host property or the qualities of the landscape.
- 5.3 In light of this and all of the matters detailed within this Statement, it is respectfully requested that the Appeal is allowed and permission granted.