

STATEMENT OF CASE

APPLICATION 3/2025/0190

PROPOSED DEMOLITION OF EXISTING SINGLE STOREY PORCH/BEDROOM/UTILITY, CAR PORT, CONSERVATORY AND DETACHED GARAGE. CONSTRUCTION OF A 2-STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND NEW FRONT PORCH. REPLACEMENT WINDOWS AND DOORS, ALTERATIONS AND RESURFACING OF DRIVEWAY AND INSTALLATION OF SOLAR PANELS AND RENDER FINISH TO SOUTH EAST SIDE ELEVATION

SITE: 10 BARKER LANE, MELLOR, LANCASHIRE BB2 7ED

Case prepared by: Alan Kinder Dip.TP, MRTPI

May 2025

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1. Introduction

- 1.1 This statement of case has been prepared on behalf of Lukman Patel (the Appellant) by A V Town Planning Ltd who have been appointed by Mr Patel to lodge a written representations appeal in respect of application number 3/2025/0190 which was refused by Ribble Valley Borough Council on the 30th April 2025 under the provisions of the Officer Delegation Scheme.

- 1.2 The description of the development is:
Proposed demolition of a single storey porch/bedroom/utility, car port, conservatory and detached garage. Construction of 2-storey side extension, single storey rear extension and new front porch. Replacement windows and doors, alterations and resurfacing of driveway and installation of solar panels and render finish to SE side elevation.

- 1.3 The site is located outside any defined settlement boundary identified within the Ribble Valley Core Strategy within an area formally designated as Green Belt.

2. Reason for Refusal

2.1 The application was determined utilising the provisions contained within the Officer Delegation Scheme. A full copy of the Officer Delegated Report can be found at Appendix A. In summary, the application was refused for the following reason:

1. The proposed development would result in a disproportionate addition to the original property in as much that the cumulative cubic volume increase of the proposal would be significant in relation to the original property. The proposal is therefore considered to be inappropriate development in the Green Belt contrary to the provisions of Key Statement EN1 of the Ribble Valley Core Strategy (2008-2028) and Section 13 of the National Planning Policy Framework which attaches substantial weight to Green Belt harm.

3. Relevant Planning Policies

Ribble Valley Core Strategy (2008-2028)

Key Statement EN1: Green Belt

National Planning Policy Framework (NPPF)

Section 13: Protecting Green Belt Land

4. The Case for the Appellant

- 4.1 A key consideration in this case is the recent planning history of the property and specifically the granting of planning permission under reference 3/2024/0803 on 26th September 2024. A copy of the decision notice, approved plans and officer delegated report can be found at Appendix B.
- 4.2 The officer delegated report in assessing the relative merits of the scheme as determined suggested that “whilst there is an increase in volume, in this particular case, it is not considered that the proposal would result in any significant harm upon the openness of the Green Belt would arise in the proposed development, and therefore the proposal is acceptable in principle, subject to an assessment of the other material planning considerations.”
- 4.3 Those other material planning considerations were all assessed which led to a positive recommendation.
- 4.4 It is our contention that whilst this consent remains live until late September 2027 then there is an extremely credible fall back position with the extant consent granted under reference 3/2024/0803.
- 4.5 Furthermore, the appeal proposal does not in itself result in significant increases to either the footprint nor the volume of this latest proposal with effectively the replacement of a single storey element on the left hand side of the plot where built form already exists. To demonstrate this in more detail then this is depicted with the existing floor plans and elevations of the house at present at Appendix C. The approved scheme under reference 3/2024/0803 with floor plans and elevations at Appendix D. The appeal scheme with floor plans and elevations at Appendix E. To demonstrate the additional footprint over and above that approved under reference 3/2024/0803 then this is shown cross hatched in red at Appendix F.

- 4.6 This limited increase in footprint and volume over and above the extant consent under reference 3/2024/0803 and its impact on the Green Belt setting and its openness would not be so significant that it would cause any material harm to this part of the Green Belt.
- 4.7 A similar assessment was undertaken by The Inspector in considering the impacts of the demolition of a bungalow and the replacement with two detached 2-storey houses at 30 Barker Lane, Mellor under reference APP/T2350/W/16/3164118 (Appendix G). Whilst the appeal considered broader issues concerning the appropriateness of the replacement of a single dwelling with two dwellings in a Green Belt setting it nonetheless considered the impact of the proposal on the openness and character of the Green Belt in paragraphs 12, 13 and 14 concluding that this proposal would not be so significant to cause material harm to this part of the Green Belt which effectively represented ribbon development along Barker Lane and also concluded that *“although large, the dwellings would be sympathetic to surrounding properties, which themselves are diverse in terms of their size and design whilst the proposal would have a greater affect on the area than the existing dwelling, in that they would be larger than the existing dwelling and would be more prominent in the street scene, I am satisfied that their appropriate size and design would not have any significantly harmful affect on the character or appearance of the area.”* Given this appeal decision in the immediate locality then it would seem reasonable to conclude that the appeal proposal would likewise be not so significant to cause any material harm to this particular part of the Green Belt when balanced against the acceptable impacts of the extant consent granted under 3/2024/0803.


5. Conclusion

- 5.1 It has been demonstrated that there needs to be weight applied in the consideration of the appeal proposal to that already granted consent under reference 3/2024/0803 which remains extant and effectively an assessment made between the relevant impact of the openness of the Green Belt when a judgement is made based upon the marginal increase of a single storey wrap around element on a portion of the left hand front elevation and against the left hand gable. In external floorspace terms this results in an increase of 21.29 sq.m. when compared against the extant consent 3/2024/0803 which has an approved floorspace (measured externally) of 243.6 sq.m. representing an increase of 8.74%. The first floor element of the appeal scheme, in terms of footprint and volume remains identical to that of the extant approved scheme.
- 5.2 It is the appellant's contention that this increase, particularly in terms of how it sits within the street scene and more importantly its impact on the openness of the Green Belt setting that it would not be regarded as being so significant that it would cause any material harm and for these reasons we would respectfully request that the Inspector allows this appeal.

Appendix A

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	LW	Date:	30/04/25	Manager:	KH	Date:	30/04/25
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Application Ref:	3/2025/0190			 Ribble Valley Borough Council <small>www.ribblevalley.gov.uk</small>
Date Inspected:	6/11/24	Site Notice:	N/A	
Officer:	LW			
DELEGATED ITEM FILE REPORT:				APPROVAL

Development Description:	Proposed demolition of existing single storey porch/ bedroom/ utility, car port, conservatory and detached garage. Construction of two-storey side extension, single storey rear extension and new front porch. Replacement windows and doors, alterations and resurfacing of driveway and installation of solar panels and render finish to SE side elevation.
Site Address/Location:	10 Barker Lane, Mellor, BB2 7ED.

CONSULTATIONS:	Parish/Town Council
No comments received with respect to the proposed development.	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	No objection subject to conditions.

CONSULTATIONS:	Additional Representations.
No representations received.	

RELEVANT POLICIES AND SITE PLANNING HISTORY:
<p>Ribble Valley Core Strategy:</p> <p>Key Statement DS1: Development Strategy Key Statement DS2: Sustainable Development Key Statement EN1: Green Belt Key Statement DMI2: Transport Considerations</p> <p>Policy DMG1: General Considerations Policy DMG2: Strategic Considerations Policy DMG3: Transport & Mobility Policy DME3: Site and Species Protection and Conservation Policy DMH5: Residential and Curtilage Extensions</p> <p>National Planning Policy Framework (NPPF)</p>
<p>Relevant Planning History:</p> <p>3/2024/0803: Proposed demolition of existing single storey porch/ bedroom/ utility, car port, conservatory and detached garage. Construction of two-storey side extension, single storey rear extension and new front porch. Replacement windows and doors, alterations and resurfacing of driveway and installation of solar panels and render finish to SE side elevation (Approved).</p>

6/9/3325: Car port and sun lounge to rear (Approved).

6/9/2431: 2 detached houses and garages (Approved).

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to a detached two-storey dwellinghouse at no.10 Barker Lane. The property comprises brick, stone and render to the external elevations, along with concrete roof tiles and white uPVC windows and benefits from an existing conservatory, integral car port and detached garage. The site to which the proposal relates is located outside of any defined settlement area and on land designated as Green Belt.

Proposed Development for which consent is sought:

Consent is sought for the proposed demolition of the existing single storey porch/ bedroom/ utility, car port, conservatory and detached garage and the construction of a two-storey side extension, single storey rear extension and new front porch.

The application is a resubmission of 3/2024/0803 which was granted consent following amendments, the scheme proposed as part of this application being the same as the original scheme proposed under 3/2024/0803.

The proposed two storey side extension would project a maximum of 6.6m from the north-western side elevation of the application property, with a depth of 11.3. A hipped roof form would be incorporated measuring a maximum of 5.1m to the eaves and 6.9m to the ridge. To the front elevation of the extension a garage door and 2no. first floor windows would be featured, along with a personnel door and 2no. ground and first floor windows to the rear. To the north-western side elevation of the extension, a further 2no. ground floor windows would be included.

The proposed single storey rear extension would project a maximum of 3.5m from the rear elevation of the application property and would extend a width of 7.7m. A flat roof form and lantern light would be featured measuring a maximum of 3.4m in height, whilst a set of bi-folding doors would be included to the rear.

The new front porch would measure 1.2m by 9.5m and would incorporate a flat roof measuring 2.8m in height. To the front elevation, a large element of glazing would be featured along with a double access door.

In respect in materiality, the proposed development would be finished to match the external facing materials of the existing property including render, brickwork and stone to the elevations and concrete roof tiles. The existing white uPVC windows would be replaced with black uPVC throughout, with new stone window surrounds and solar panels to the south-eastern roof pitch also proposed.

As part of the overall development, alterations are also proposed to the existing driveway, including the widening of the existing access and resurfacing.

Principle of Development:

The application site lies within the designated Green Belt and therefore Key Statement EN1 of the Core Strategy and national Green Belt policy contained within the National Planning Policy Framework (NPPF) is engaged.

which would face towards the neighbouring property at no.12 Barker Lane; however, these openings are proposed to be obscurely glazed and as such, no new opportunities for direct overlooking or loss of privacy are anticipated in this respect.

Furthermore, the proposed single storey rear extension would be sited approximately 1.3m away from no.8 Barker Lane and would extend 3.5m beyond the rear elevation of this neighbouring property. The proposed development would also be situated approximately 5m from no.12 Barker Lane. As such, it is not considered that any undue impact by way of overshadowing, loss of outlook or daylight would be resultant in this respect.

In view of the above, it is not anticipated that the proposed works would result in any significant undue harm upon the existing amenities of any nearby residents that would warrant the refusal to grant planning permission.

Visual Amenity/External Appearance:

The proposed two-storey side extension would be publicly viewable from the highway of Barker Lane and would comprise a sizeable footprint. Despite this, the proposal would be set back from the principal elevation of the application property by approximately 2m and down from the main ridgeline. Given the above and taking into account the existing built form of the dwellinghouse, it is not considered that the proposed development would read as an overtly incongruous or over dominant addition to the proposal site or surrounding area.

Furthermore, the proposed single storey rear extension would appear appropriate in size and scale in relation to the existing property, whilst the proposed porch would appear similar to the existing single storey, flat roof porch/ bedroom/ utility in which it would replace and therefore would not appear an overly anomalous or out of keeping addition to the street scene. The proposed materiality is also considered acceptable insofar that Barker Lane is characterised by a variety of different house types with differing architectural details and external facing materials. It is also not considered that the proposed replacement windows and doors, new driveway and installation of solar panels to the south-eastern elevation would result in any undue harm that would warrant the refusal to grant planning permission in this particular instance.

Highways and Parking:

Lancashire County Council Highways have been consulted on the proposed development and raised no objection subject to the imposition of conditions. The proposal is therefore considered acceptable in respect to highway safety and parking.

Landscape/Ecology:

A Preliminary Bat Roost Assessment Report has been submitted with the application, dated 4th November 2024. The report concludes that no evidence was recorded to suggest bats were roosting within the building and no bats were observed or recorded using the building for roosting. The property is considered to be of negligible potential for roosting bats and the survey effort is considered to be reasonable to assess the roost potential of the building with no further survey work being deemed necessary.

Despite this, a Precautionary Method Statement and Reasonable Avoidance Measures have been included in order to minimise or remove any potential disturbance to roosting bats. Were the application to be approved, the measures outlined within this section of the report would be secured by way of a planning condition.

The NPPF states that there is a general presumption against inappropriate development in the Green Belt and advises that when considering any planning application, the Local Planning Authority should ensure that substantial weight is given to any harm to the green belt.

As set out in the NPPF and Key Statement EN1 of the Ribble Valley Core Strategy, the essential characteristic of the Green Belt is its openness. NPPF paragraph 154 states that the construction of new buildings is inappropriate in the Green Belt. However, the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building is considered an exception where they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Development which is harmful to the Green Belt should only be permitted in 'very special circumstances' and these will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

There are no specific definitions within the NPPF or Ribble Valley Core Strategy in relation to what constitutes 'disproportionate', however the generally accepted approach is for an assessment of the increased volume that the development would create above that of the original building.

The NPPF defines 'original building' as 'a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally'. Therefore, any extensions built since 1948 cannot be used to justify additional floor space or volume. Furthermore, in terms of calculating the size of the 'original building', outbuildings are generally not included.

Historic planning applications indicate that the original built form of the building included a modest two-storey detached dwellinghouse and single storey integral garage/ porch, with previous planning consents allowing for the construction of an integral car port to the north-western side elevation and conservatory to the rear.

The agent has provided a comparison of volumes taking account of the original building and the proposal. Whilst it is noted that the submitted 'Proposed Volume Calculations' plan shows the existing building to have a volume of 509.5m³, this figure is in fact understood to be the volume of the original building, excluding the existing car port and conservatory. These calculations thus indicate a 60.9% increase in cubic volume from original to proposed.

In seeking to justify the principle of this development in terms of Green Belt Policy, the applicant has referred to appeal decision APP/T2350/W/16/3164118 which granted consent for the erection of two detached houses following the demolition of the existing house at no.30 Barker Lane. In that case, the Inspector deemed the proposal to be 'limited infilling in a village' which is an accepted exception for development in the Green Belt under paragraph 154 of the NPPF. However, as this application relates to an extension of an existing building, the appeal decision at no.30 Barker Lane is not considered to be directly comparable with the proposed development and is therefore given limited weight.

With the above in mind, it is considered that the proposed works would result in a disproportionate addition to the original building in as much that the cumulative cubic volume increase of the proposal would be significant in relation to the original property which in turn would result in Green Belt harm contrary to the guidance set out in Paragraph 154 of the NPPF and Key Statement EN1 of the Ribble Valley Core Strategy. Furthermore, there are no very special circumstances demonstrated which would outweigh this harm.

Impact Upon Residential Amenity:

The openings proposed to the front and rear of the development would provide views similar to those afforded by the existing window configuration featured to the front and rear of the main dwellinghouse. It is noted that 2no. windows are proposed to the north-western facing side elevation of the development

The development is exempt from having to achieve the mandatory Biodiversity Net Gain requirement as it is a householder application.

Observations/Consideration of Matters Raised/Conclusion:

As such, for the above reasons and having regard to all material considerations and matters raised, the application is recommended for refusal.

RECOMMENDATION:

That planning consent be refused for the following reason:

01:

The proposed development would result in a disproportionate addition to the original property in as much that the cumulative cubic volume increase of the proposal would be significant in relation to the original property. The proposal is therefore considered to be inappropriate development in the Green Belt contrary to the provisions of Key Statement EN1 of the Ribble Valley Core Strategy (2008-2028) and Section 13 of the National Planning Policy Framework which attaches substantial weight to Green Belt harm.

Appendix B

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2024/0803
DECISION DATE: 28 November 2024
DATE RECEIVED: 26/09/2024

APPLICANT:

Lukman Patel
10 Barker Lane
Mellor
Blackburn
BB2 7ED

AGENT:

Mr Roger Hines
Habitat Architecture
2 Primrose Studios
Clitheroe
BB7 1DR

DEVELOPMENT PROPOSED: Proposed demolition of existing single storey porch/ bedroom/ utility, car port, conservatory and detached garage. Construction of two-storey side extension, single storey rear extension and new front porch. Replacement windows and doors, alterations and resurfacing of driveway and installation of solar panels and render finish to SE side elevation.

AT: 10 Barker Lane Mellor BB2 7ED

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchasing Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan (dwg no. A1.1)
Site Plans (dwg no. A1.2 Rev 2)
Proposed Layout Plan (dwg no. A1.6 Rev 2)
Proposed Plans (dwg no. A1.4 Rev 2)
Retaining Wall (dwg no. A1.7)

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

P.T.O.

3. The materials to be used on the external surfaces of the development hereby approved as indicated within the application form and on drawings 'Proposed Plans' (dwg no. A1.4 Rev 2) shall be implemented as indicated.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality and respond positively to the inherent character of the area.

4. The windows in the north-western elevation of the extension hereby approved shall be fitted with obscure glazing (which shall have an obscurity rating of not less than 4 on the Pilkington glass obscurity rating or equivalent scale) and shall be non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The windows shall remain in that manner in perpetuity at all times.

Reason: To protect nearby/ neighbouring and future residential amenity.

5. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in strict accordance with the Precautionary Method Statement and Reasonable Avoidance Measures detailed within the submitted Preliminary Bat Roost Assessment Report dated 4th November 2024 and carried out by Dave Anderson.

The installation of two Greenwood Eco habitats Two Crevice Bat Boxes shall be incorporated within the site prior to work commencing retained thereafter.

Reason: In the interest of biodiversity and to enhance nesting/ roosting opportunities for species of conservation concern and reduce the impact of development.

6. The parking area hereby permitted shall be surfaced with porous hard bound material (not loose aggregate) or if surfaced in impermeable materials then the surface water runoff shall be drained within the site and to a suitable internal outfall. Thereafter, the porous material/ drainage shall be maintained in perpetuity.

Reason: In the interest of highway safety to prevent water from being discharged and deleterious material being deposited onto the public highway.

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. The Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development.

P.T.O.

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	LW	Date:	27/11/24	Manager:	KH	Date:	28/11/24
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Application Ref: 3/2024/0803

Date Inspected: 06/11/24 **Site Notice:** N/A

Officer: LW



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

DELEGATED ITEM FILE REPORT:

APPROVAL

Development Description: Proposed demolition of existing single storey porch/ bedroom/ utility, car port, conservatory and detached garage. Construction of two-storey side extension, single storey rear extension and new front porch. Replacement windows and doors, alterations and resurfacing of driveway and installation of solar panels and render finish to SE side elevation.

Site Address/Location: 10 Barker Lane, Mellor, BB2 7ED

CONSULTATIONS: Parish/Town Council

No comments received with respect to the proposed development.

CONSULTATIONS: Highways/Water Authority/Other Bodies

LCC Highways: No objection subject to conditions.

CONSULTATIONS: Additional Representations.

No representations have been received.

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Ribble Valley Core Strategy:

Key Statement DS1: Development Strategy
Key Statement DS2: Sustainable Development
Key Statement EN1: Green Belt
Key Statement DMI2: Transport Considerations

Policy DMG1: General Considerations
Policy DMG2: Strategic Considerations
Policy DMG3: Transport & Mobility
Policy DME3: Site and Species Protection and Conservation
Policy DMH5: Residential and Curtilage Extensions

National Planning Policy Framework (NPPF)

Relevant Planning History:

6/9/3325: Car port and sun lounge to rear (Approved).

6/9/2431: 2 detached houses and garages (Approved).

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to a detached two-storey dwellinghouse at no.10 Barker Lane. The property comprises brick, stone and render to the external elevations, along with concrete roof tiles and white uPVC windows and benefits from an existing conservatory, integral car port and detached garage. The site to which the proposal relates is located outside of any defined settlement area and on land designated as Green Belt.

Proposed Development for which consent is sought:

Consent is sought for the proposed demolition of the existing single storey porch/ bedroom/ utility, car port, conservatory and detached garage and the construction of a two-storey side extension, single storey rear extension and new front porch.

The proposed two storey side extension would project 5.3m from the north-western side elevation of the application property, with a depth of 7.2m. A hipped roof form would be incorporated measuring 5.1m to the eaves and 6.9m to the ridge, whilst to the front elevation, 1no. window would be featured to ground and first floor level, along with 2no. first floor windows to the rear.

The proposed single storey rear extension would project a maximum of 3.5m from the rear elevation of the application property and would extend a width of 13m. A flat roof form and lantern light would be featured measuring a maximum of 3.4m in height, whilst a set of bi-folding doors, a personnel door and 1no. window would be included to the rear.

The new porch would measure 1.2m by 2.8m and would incorporate a hipped roof form with an eaves and ridge height of 2.3m and 2.7m.

In respect in materiality, the proposed development would be finished to match the external facing materials of the existing property including render, brickwork and stone to the elevations and concrete roof tiles. The existing white uPVC windows would be replaced with black uPVC throughout, with new stone window surrounds and solar panels to the south-eastern roof pitch also proposed.

As part of the overall development, alterations are also proposed to the existing driveway, including the widening of the existing access and resurfacing.

Principle of Development:

The application site lies within the designated Green Belt and therefore Key Statement EN1 of the Core Strategy and national Green Belt policy contained within the National Planning Policy Framework (NPPF) is engaged.

The NPPF states that there is a general presumption against inappropriate development in the Green Belt and advises that when considering any planning application, the Local Planning Authority should ensure that substantial weight is given to any harm to the green belt.

As set out in the NPPF and Key Statement EN1 of the Ribble Valley Core Strategy, the essential characteristic of the Green Belt is its openness. NPPF paragraph 154 states that the construction of new buildings is inappropriate in the Green Belt. However, the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building is considered an exception where they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Development which is harmful to the Green Belt should only be permitted in

'very special circumstances' and these will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

There are no specific definitions within the NPPF or Ribble Valley Core Strategy in relation to what constitutes 'disproportionate', however the generally accepted approach is for an assessment of the increased volume that the development would create above that of the original building.

The NPPF defines 'original building' as 'a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally'. Therefore, any extensions built since 1948 cannot be used to justify additional floor space or volume. Furthermore, in terms of calculating the size of the 'original building', outbuildings are generally not included.

Historic planning applications indicate that the original built form of the building included a modest two-storey detached dwellinghouse and single storey integral garage/ porch, with previous planning consents allowing for the construction of an integral car port to the north-western side elevation and conservatory to the rear.

Following discussions, the agent has provided a comparison of volumes taking account of the original building and the proposal. The calculations indicate a 43.4% increase in cubic volume from original to proposed.

Taking account of the above, whilst there is an increase in volume, in this particular case, it is not considered that the proposal would result in any significant harm upon the openness of the Green Belt would arise from the proposed development, and therefore the proposal is acceptable in principle, subject to an assessment of the other material planning considerations.

Impact Upon Residential Amenity:

The openings proposed to the front and rear elevations of the two-storey extension and front porch would provide views similar to those afforded by the existing window configuration featured to the front and rear of the main dwellinghouse, whilst the windows proposed to the rear elevation of the single storey extension would provide views solely towards to rear garden area of the application property. It is noted that 3no. windows are proposed to the north-western facing side elevation of the development which would face towards the neighbouring property at no.12 Barker Lane; however, these openings are proposed to be obscurely glazed and as such, no new opportunities for direct overlooking or loss of privacy are anticipated in this respect. This has been secured by way of a planning condition.

Furthermore, the proposed rear extension would be sited approximately 1.3m away from no.8 Barker Lane and would extend 3.4m beyond the rear elevation of this neighbouring property. The proposed development would also be situated approximately 7m from no.12 Barker Lane. As such, it is not considered that any undue impact by way of overshadowing, loss of outlook or daylight would be resultant in this respect.

In view of the above, it is not anticipated that the proposed works would result in any significant undue harm upon the existing amenities of any nearby residents that would warrant the refusal to grant planning permission.

Visual Amenity/External Appearance:

The proposed two-storey side extension would be publicly viewable from the highway of Barker Lane and would comprise a sizeable footprint, measuring 5.3m by 7.2m. Despite this, the proposal would be set back from the principal elevation of the application property by approximately 2m and down from the main ridgeline. Given the above and taking into account the existing built form of the dwellinghouse, it is

not considered that the proposed development would read as an overtly incongruous or over dominant addition to the proposal site or surrounding area.

Furthermore, the proposed single storey rear extension would appear appropriate in size and scale in relation to the existing property, whilst the proposed porch would appear both sympathetic to, and reflective of the main dwellinghouse by virtue of its overall size, scale and design.

The incorporation of render of to the external elevations would result in the in the introduction of a new material to the dwellinghouse. However, Barker Lane is characterised by a variety of different house types with differing architectural details and external facing materials and therefore it is not anticipated that the use of render would result in any significant harm to the existing visual amenities of the application property or wider locality. It is also not considered that the proposed replacement windows and doors, new driveway and installation of solar panels to the south-eastern elevation would result in any undue harm.

Accordingly, it is not anticipated that the proposed development would result in any significant detrimental harm upon the existing visual amenities of the application property or surrounding area.

Highways and Parking:

Lancashire County Council Highways have been consulted on the proposed development and raised no objection subject to the imposition of conditions. The proposal is therefore considered acceptable in respect to highway safety and parking.

Landscape/Ecology:

A Preliminary Bat Roost Assessment Report has been submitted with the application, dated 4th November 2024. The report concludes that no evidence was recorded to suggest bats were roosting within the buildings and no bats were observed or recorded using the building for roosting. The property is considered to be of negligible potential for roosting bats and the survey effort is considered to be reasonable to assess the roost potential of the building with no further survey work being deemed necessary.

Despite this, a Precautionary Method Statement and Reasonable Avoidance Measures have been included in order to minimise or remove any potential disturbance to roosting bats. The measures outlined within this section of the report have been secured by way of a planning condition.

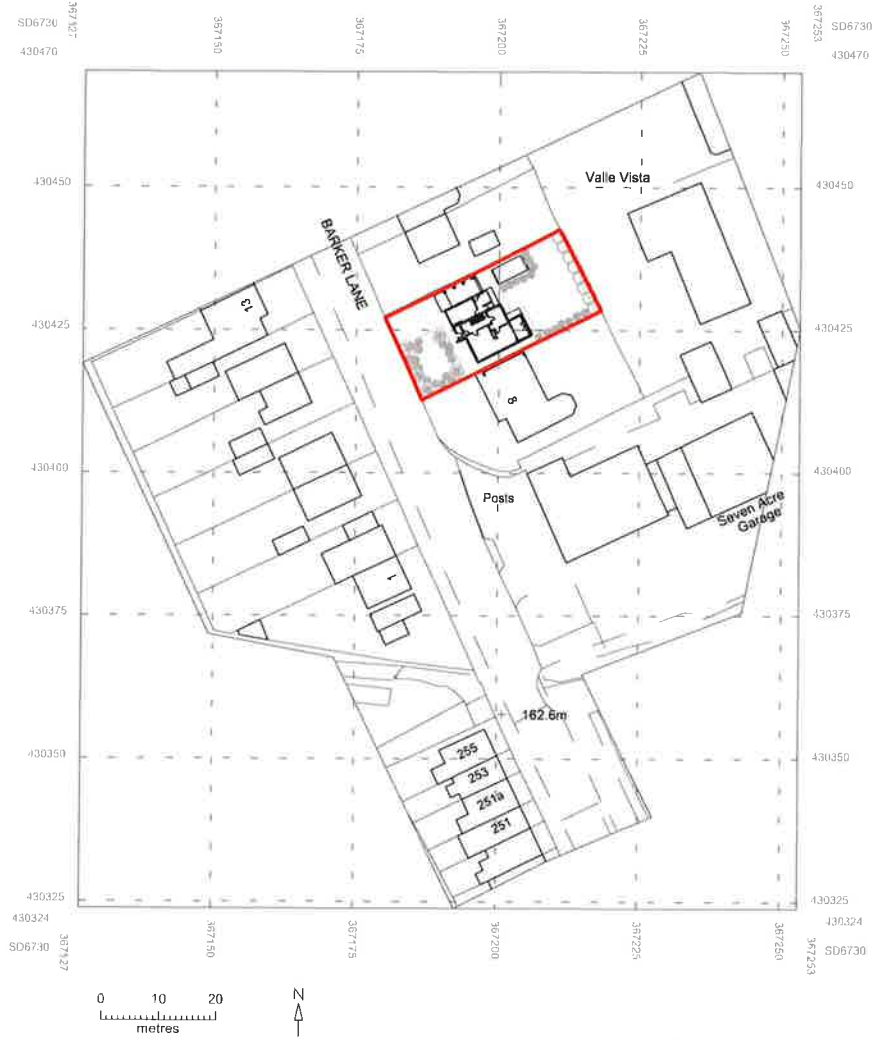
The development is exempt from having to achieve the mandatory Biodiversity Net Gain requirement as it is a householder application.

Observations/Consideration of Matters Raised/Conclusion:

As such, for the above reasons and having regard to all material considerations and matters raised, the application is recommended for approval.

RECOMMENDATION: That planning consent be granted subject to the imposition of conditions.

MapServe®



1 location plan
1:1250



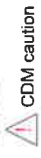
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	SHEET	Location plan	Date	24/09/2024	Project Number	hal041	Scale (if A4)	1:1250	REV
			Drawn by	RH	DRAWING NUMBER			A1.1	
			Checked by	RH					



2 Proposed Site Plan
1/2001

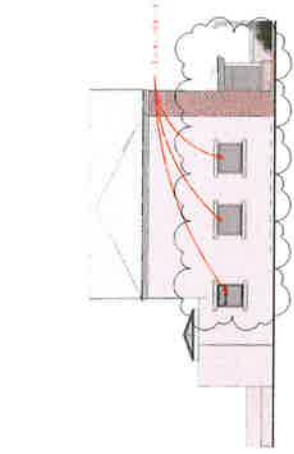


1 Existing Site Plan
1/2001

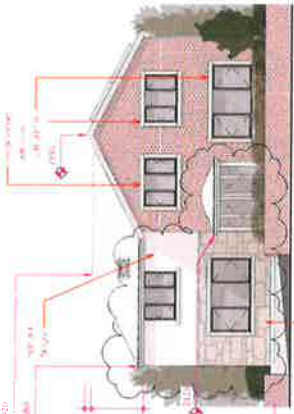





CDM caution



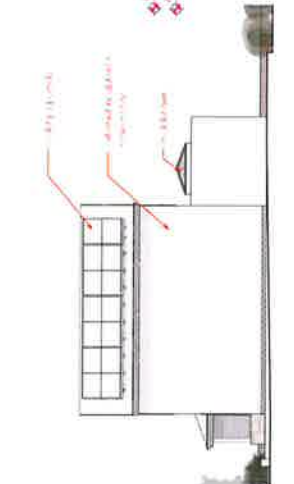
6 Proposed North West
 1/2" = 1'-0"



5 Proposed South West
 1/2" = 1'-0"



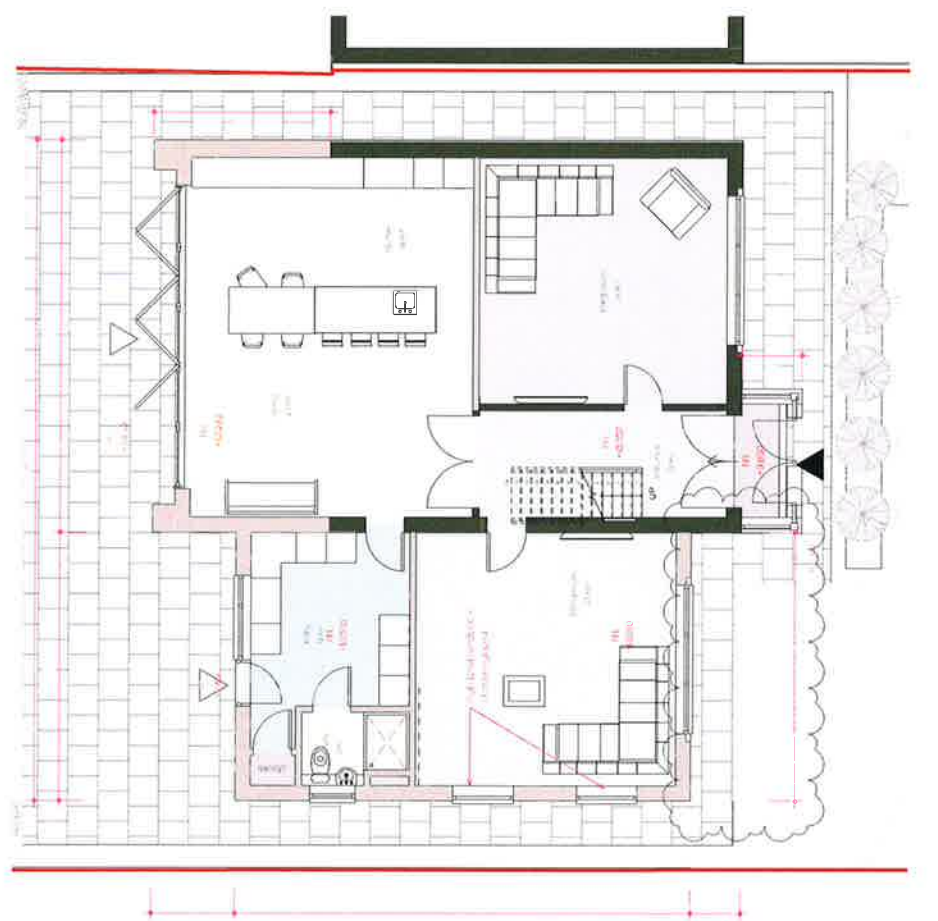
4 Proposed North East
 1/2" = 1'-0"



3 Proposed South East
 1/2" = 1'-0"

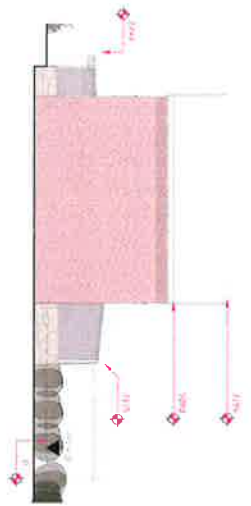


2 Proposed 1st floor
 1/8" = 1'-0"



1 Proposed Ground floor
 1/8" = 1'-0"

Appendix C



3 Existing South Elev
1/200



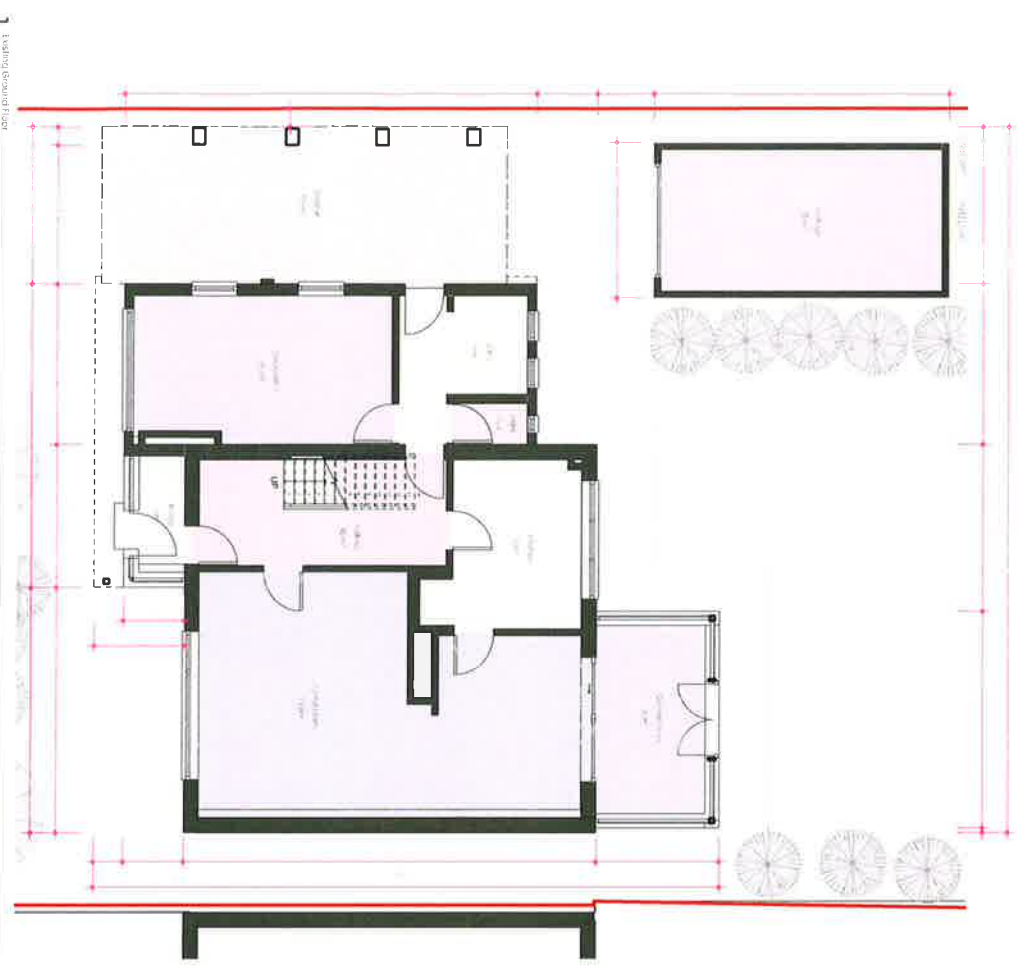
4 Existing North Elev
1/200



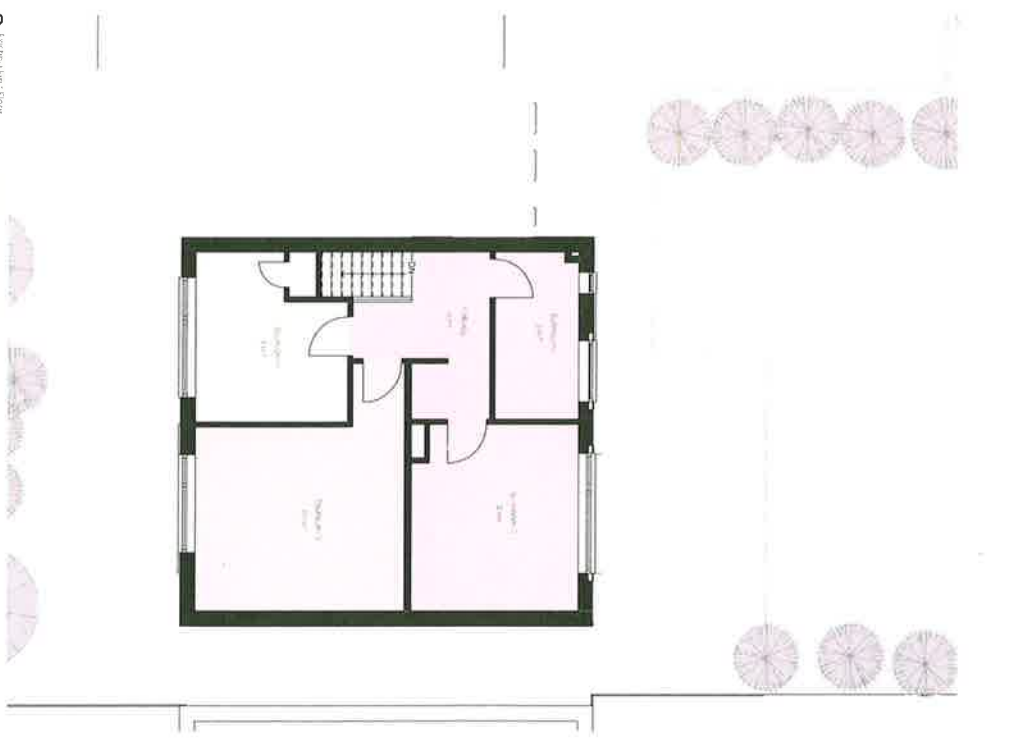
5 Existing West Elev
1/200



6 Existing East Elev
1/200



1 Existing Ground Floor
1/200



2 Existing First Floor
1/200



 hqi

 hq inc.

 10000 15th Ave S

 Suite 100

 Brierley, AL 35226

 Phone: 205.833.8800

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 Email: info@hqi.com

 Website: www.hqi.com

project no. 15-1041
 10 Barker Lane, Mellor, BS2
 7ED

dent

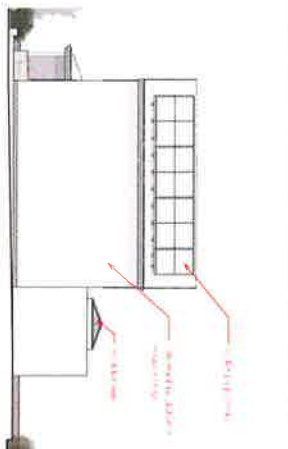


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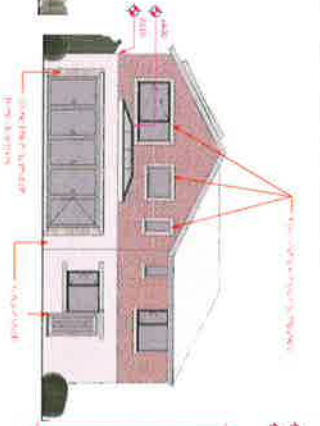
 This drawing is the property of the Architect and is to be used only for the project and location specified. It is not to be used for any other purpose without the written consent of the Architect. The Architect is not responsible for any errors or omissions in this drawing. The user of this drawing is advised to verify all dimensions and details before construction.

A1.3
 sheet 3/3

Appendix D



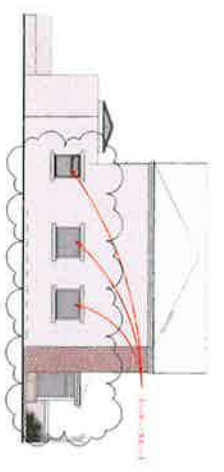
3 Proposed South West
1:100



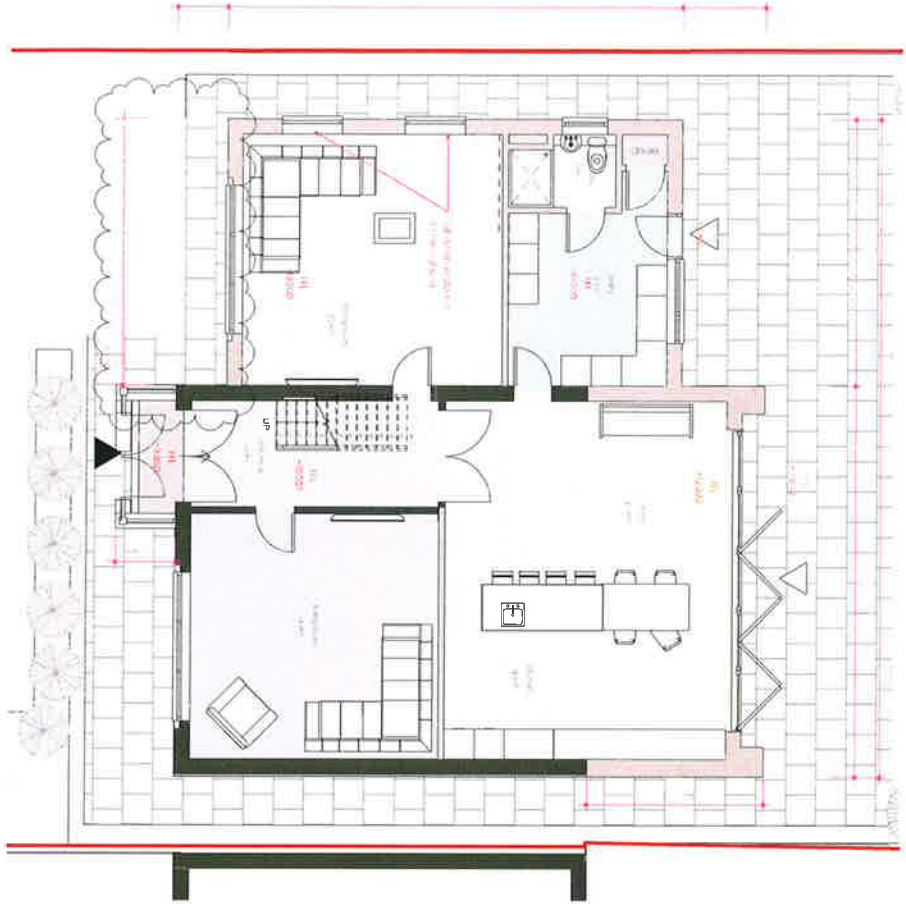
4 Proposed North East
1:100



5 Proposed South West
1:100



6 Proposed North West
1:100



1 Proposed Ground Floor
1:100




2 Proposed First Floor
1:100

mo
 PROJECT ARCHITECTS LTD
 10 BARKER LANE, MELBORNE, VIC 3067
 PH: 03 9487 1000
 WWW.MOARCHITECTS.COM.AU

PROJECT NO: B-1041
 10 BARKER LANE, MELBORNE, B82
 TFD



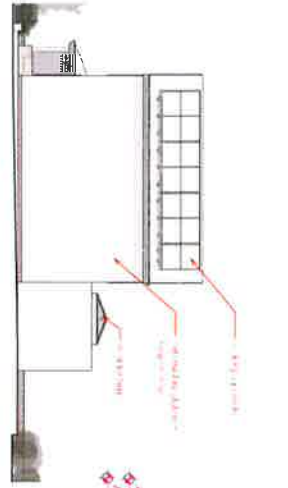
 CDM caution

DATE: 20/01/2017
 DRAWING NO: B-1041-01
 PROJECT: 10 BARKER LANE
 DRAWN BY: J. SMITH
 CHECKED BY: J. SMITH
 PROJECT MANAGER: J. SMITH

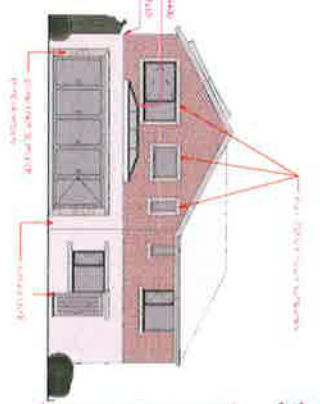
A1.4_Rev2
 SHEET 5/5

Appendix E

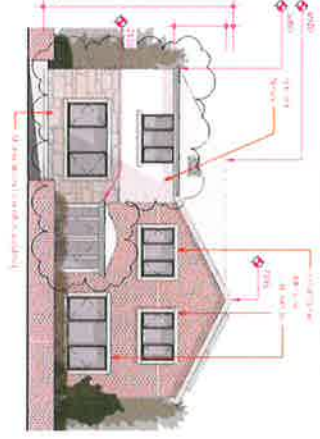
Appendix F



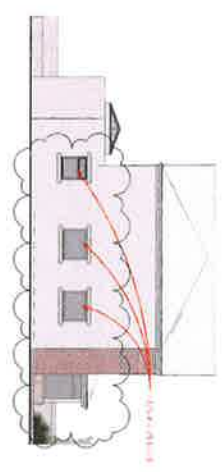
3 Proposed Downfall
1:50



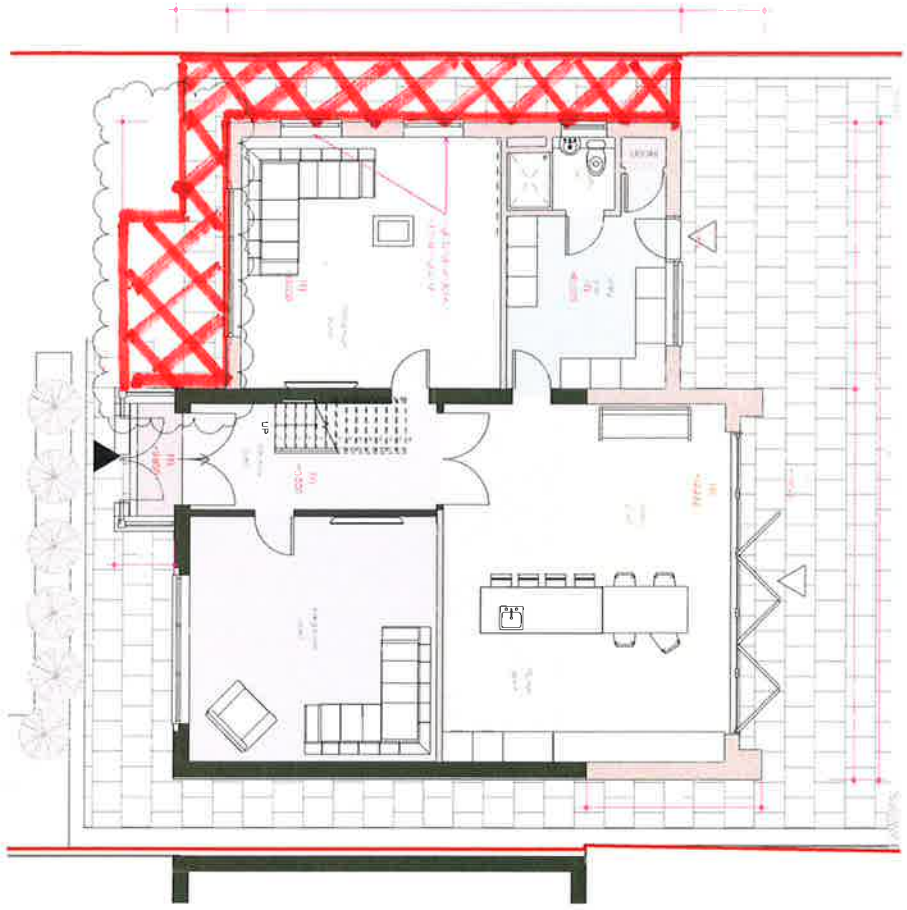
4 Proposed South View
1:50



5 Proposed South View
1:50



6 Proposed East View
1:50



1 Proposed Ground Floor
1:50



2 Proposed First Floor
1:50

hqi
HARDWARE QUALITY INTERIORS

CDM
CONSTRUCTION DEVELOPMENT MANAGEMENT

project no. h1042
16 berker Lane, Mellor, BB2
TED



CDM caution

A1.4_Rev2
Sheet 1/4

Appendix G

Appeal Decision

Site visit made on 10 April 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 5th May 2017

Appeal Ref: APP/T2350/W/16/3164118 30 Barker Lane, Blackburn BB2 7ED

- 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 Lee Wallbank against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0346, dated 13 April 2016, was refused by notice dated 16 June 2016.
 - The development proposed is the erection of two detached houses following demolition of existing house.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached houses following demolition of existing house at 30 Barker Lane, Blackburn BB2 7ED in accordance with the terms of the application, Ref 3/2016/0346, dated 13 April 2016, subject to the condition contained within the schedule to this decision.

Application for costs

2. An application for costs was made by Ribble Valley Borough Council against Mr Lee Wallbank. In addition, an application for costs was made by Mr Lee Wallbank against Ribble Valley Borough Council. These applications are the subject of separate Decisions.

Main Issues

3. The main issues in this appeal are as follows:
 - Whether the development would be inappropriate development in the Green Belt;
 - The effect of the development on the openness and character of the Green Belt;
 - Whether the development would accord with the Council's housing strategy; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

4. The appeal site lies within the Green Belt. Paragraph 79 of the National Planning Policy Framework (the Framework) states that the essential characteristics of Green Belts are their permanence and openness. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. However, there are exceptions to this presumption against development in the Green Belt, including *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan*.
5. The proposal would involve the demolition of the existing dwelling and its replacement with two dwellings. The Council argue that as the existing dwelling would be demolished, it cannot be considered as infilling as it would be a rebuild. However, I do not agree with this view. There are dwellings either side of the appeal site and therefore if the existing dwelling was to be demolished, the site would still be an infill plot. The Framework does not preclude demolition in terms of infill. The key word that should placate the Council's concern that it would allow single dwellings to be replaced by multiple units is 'limited'. Furthermore, each case is to be accessed on its own merits, taking account of the overall area. In this instance, I am satisfied that the proposal would be limited infilling.
6. I have had regard to the appellant's contention that the site should be defined as within the urban boundary of Blackburn. Section 38(6) of the *Planning and Compulsory Purchase Act 2004*, requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. For the purposes of the development plan, the appeal site falls outside any defined settlement.
7. Although there is no definition of limited infilling or villages in the Framework, the Council confirm that villages are defined in the Ribble Valley Borough Council Core Strategy (CS) 2008 – 2028 as *'the smaller settlements within the borough and for the purposes of this study, this relates to all settlements in the borough excluding Clitheroe, Longridge and Wilpshire'*. Whilst the CS also defines defined settlements, there is no evidence that the appeal site falls within a defined settlement as identified in the CS. Notwithstanding the appeal sites proximity to Blackburn, it does not fall within a defined settlement within the Borough.
8. Nevertheless, the Court of Appeal judgment *Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council [2015]* determined that the 'village' in paragraph 89 of the Framework need not be the same as the settlement boundary, depending on the situation 'on the ground'. In that case the Inspector had described a site that was surrounded on all sides by housing, but was not within the settlement boundary. The Court found that he had misdirected himself in concluding that the site did not lie in a village but outside the boundary.
9. The appeal site comprises a detached bungalow set within extensive grounds. The property forms part of a linear development that straddles either side of Barker Lane extending off the A6119 to the south, on the other side of which is the large urban settlement of Blackburn. The southern section of this linear

development is generally of a tighter form, similar to that on the opposite side of the A6119. The northern section, within which the appeal site is located, comprises properties that are generally larger in size, set back from the road and set within large gardens. Nevertheless, there is a clear continuation of the built form from the junction of Barker Lane and the A6119. Whilst this is intersected by the administrative boundary between Ribble Valley Borough Council and Blackburn and Darwen Council, on the ground this is only identifiable by way of a sign.

10. Therefore, notwithstanding the sites allocation within the development plan I find that it forms part of a continuation of the settlement of Blackburn. I note that the exception in paragraph 89, bullet 5 refers to villages. Whilst Blackburn is larger than a village, given the unusual circumstances of the appeal site in that it forms part of a built-form that straddles the administrative boundary between two local planning authorities, I find that it is acceptable to consider it falling within a village for the purposes of paragraph 89 of the Framework.
11. I find therefore that the proposal satisfies the exception set out in paragraph 89, bullet five of the Framework and therefore is not considered to be inappropriate development in the Green Belt. As such, it complies with policy EN1 of the CS, which seeks to protect the Green Belt from inappropriate development.

Openness and character

12. The Framework states that the essential characteristics of Green Belt are their openness and their permanence. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
13. The replacement of the existing single storey dwelling with two, two-storey dwellings would inevitably have some effect on the openness of the Green Belt. However, I have concluded that it would represent limited infilling in a village which is an accepted exception in the Framework. Accordingly the effect on openness would not be so significant that it would cause any material harm to this part of the Green Belt.
14. In terms of the effect on the character and appearance of the area, the dwellings would follow the established building lines of properties on this side of Barker Lane. Although large, the dwellings would be sympathetic to the surrounding properties, which themselves are diverse in terms of their size and design. Whilst the proposal will have a greater effect on the area than the existing dwelling, in that they would be larger than the existing dwelling and would be more prominent in the streetscene, I am satisfied that their appropriate size and design would not have any significantly harmful effect on the character or appearance of the area. As such, it would comply with Policies EN2 and DMG2 of the CS, which, amongst other matters, seeks to ensure that new development is in keeping with the character of the landscape and is of a high standard of building design.

Housing Strategy

15. The glossary of the CS provides a definition of open countryside, which defines it as '*a designation currently defined within the proposals map of the RV Districtwide Plan mainly of land outside Settlement Areas but not*

designated Greenbelt or AONB'. The Council argues that this definition allows land to be designated as both open countryside and Green Belt. However, that is not how the definition is read. It clearly states that open countryside is land that is outside Settlement Areas but not designated Green Belt. If it were to mean land outside settlement boundaries then it would not need to make any reference to the Green Belt or AONB.

16. I note that the proposal map referred to me by the Council identifies the site falling within an area defined as EN1 (Green Belt) and EN2 (Open Countryside) and as such there is some conflict between the LP and the proposals map. However, the proposal map appears to be part of the Emerging Housing and Economic Development DPD. As I understand, the Council is currently reviewing settlement boundaries as part of the DPD. However, given that the revised boundaries have not been adopted and, as indicated by the appellant, there are outstanding objections to them, I attribute limited weight to the DPD and the proposal map. Given that the CS is adopted I attribute it substantial weight.
17. In light of the above, as the appeal site is located within the Green Belt, it cannot be also designated as open countryside for the purposes of the development plan. I note that Inspectors in previous appeals have considered sites to fall within both the open countryside and the Green Belt. However, as the Council admit, this argument has not been raised before.
18. Policies DS1 and DMG2 of the LP sets out the Council's strategic aim of focusing development towards the principal settlements and Tier 1 villages. In Tier 2 villages and outside the defined settlement areas development must meet at least one of a list of requirements. The proposal would not comply with any of these requirements. However, Policy EN1 of the LP allows development in the Green Belt providing it is not inappropriate, whilst it does not explicitly state what inappropriate development is, the Framework does.
19. Therefore, whilst the proposal would not strictly accord with Policies DS1 and DMG2 of the LP, it would comply with EN1 of the LP and paragraph 89 of the Framework.
20. The Council also refer to Policy DMH3 of the CS. However, as I have found that the site is not within the open countryside as defined in the CS, this policy is not relevant.

Other Matters

21. I have had regard to the concerns raised regarding the effect of the development on the living conditions of the occupants of the neighbouring residential property, No 28 Barker Lane, with regard to loss of light and outlook. However, I am satisfied that there would be sufficient distance between the properties to ensure that there would not be any adverse effects with regard to these matters.
22. I have also had regard to the effect of the driveway on highway safety. Whilst it would be closer to that of No 28, there is sufficient visibility in both directions from both driveways. The only likely occurrence when visibility would be restricted is when cars are exiting the two sites at the same time. However, such occurrences are likely to be infrequent and in any event I am satisfied

that it would not represent a severe risk to highway safety. Furthermore, the proposal would provide adequate off-street parking and during my site visit I observed that neighbouring properties also have adequate parking provision. Therefore, the proposal would not result in any significant increase in on-street parking to the detriment of highway safety.

23. I have had regard to the previous appeals¹ referred to me by the Council. However, based on the evidence before me, none of these schemes related to a site that formed part of a larger settlement, albeit not one defined in the LP. In particular, the site at Broadhead Farm was far detached from any surrounding built form. Accordingly, I find that these schemes are not directly comparable to the proposal before me and as such I attribute them only limited weight.
24. I acknowledge the Council's concern that in allowing the proposal it would set a precedent and that they would find it difficult to resist other similar development. I have not been presented with any directly similar or comparable sites to which this might apply. Each application and appeal must be determined on its own merits, and a generalised concern of this nature does not justify withholding permission in this case.

Conditions

25. I have had regard to the various conditions that have been suggested by the Council. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
26. In the interests of the character and appearance of the area conditions are appropriate regarding materials, boundary treatment, landscaping, the protection of existing trees and external lighting.
27. In the interests of highway safety, conditions regarding parking spaces and manoeuvring areas are necessary.
28. In the interests of protecting birds and bats conditions are required regarding the provision of bird and bat boxes.
29. To safeguard the living conditions of neighbouring residents conditions are necessary regarding hours of operation, balcony screening, obscure glazing and the submission of a Construction Method Statement.
30. I do not, however, find there to be exceptional circumstances that would justify the removal of permitted development rights.
31. I have had regard to the Council's concern that the driveway could affect the root protection zone of nearby trees and the appellant's rebuttal that conditions regarding surface materials or digging processes could adequately deal with this. I am satisfied that such concerns can be addressed by way of a landscaping condition as I have imposed.
32. It is essential that the requirements of conditions 8, 13 and 15 are agreed prior to the development commencing to ensure an acceptable form of development in respect of safeguarding protected species, preserving the character and appearance of the area and residential amenity.

¹ Appeal Refs APP/T2350/W/16/3153754, APP/T2350/W/16/3064545 and APP/T2350/W/16/3150944

Conclusion

33. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR

SCHEDULE OF 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: Site Location Plan, 15.125 03 A, 15.125 04 B, 15.125 05 A and 15.125 06 A.
- 3) No construction works shall commence until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No construction works shall commence until details at a scale of not less than 1:20 of the proposed boundary walling, gates and fencing have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No construction works shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include all hard surfaced areas, including the proposed surface treatment and car parking spaces and manoeuvring areas, and the type, species, siting, planting distances and programme of planting of any trees and shrubs. The scheme shall also indicate and specify all existing trees on the land which shall be retained in their entirety, unless otherwise agreed in writing by the local planning authority, together with measures for their protection in the course of development. The development shall be carried out in accordance with the approved details.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of three years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The car parking spaces and manoeuvring areas agreed under the approval of condition 5 of this decision notice shall be made available for use prior to the first occupation of either dwellinghouse hereby permitted, and shall be permanently maintained thereafter clear of any obstruction to their designated purpose.

- 8) No development shall take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the local planning authority. The details shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of the numbers of artificial bird nesting boxes and artificial bat roosting sites. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated. The approved artificial bird/bat boxes shall be incorporated into the dwellings during the actual construction phase before the dwelling is first brought into use and retained thereafter.
- 9) No demolition, building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.
- 10) No construction works shall commence until details of the foul drainage scheme have been submitted to and approved in writing by the local planning authority. Foul and surface water shall be drained on separate systems. The dwelling shall not be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. The development shall be completed, maintained and managed in accordance with the approved details.
- 11) Prior to the first occupation of the hereby approved dwellings, all terrace/balcony areas to the rear of both dwellings shall be fitted with a minimum 1.7m high opaque or obscure glazed privacy screens along both side elevations in accordance with details to be submitted to and approved in writing by the local planning authority. The approved screens shall be retained at all times thereafter.
- 12) Prior to the first occupation of the hereby approved dwellings, all ground and first floor windows in the side elevations of Plot 1 and the south elevation of Plot 2 shall all be fitted with obscure glazing (which shall have an obscurity rating of not less than 4 on the Pilkington glass obscurity rating or equivalent scale) and shall be non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall be retained as such in perpetuity.
- 13) No development shall take place until all the existing trees within, or directly adjacent, to the site (except those shown to be removed on the approved plans), have been enclosed with temporary protective fencing in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.
- 14) Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to its installation. Only the approved lighting shall be installed.

15) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- Timing of delivery of all off site highway works
- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Wheel washing facilities and road sweeper
- Details of working hours
- Contact details for the site manager
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.