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## Appeal Decision

Site visit made on 5 February 2019

**by Sarah Manchester BSc (Hons) MSc PhD MEnvSc**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> March 2019**

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**Appeal Ref: APP/T2350/W/18/3216184**

**32 Hall Street, Clitheroe BB7 1HJ**

- 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 A Graham of Smart Property Investment & Management against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2018/0435, dated 17 May 2018, was refused by notice dated 5 October 2018.
  - The development proposed is demolition of existing property and associated outbuildings and proposed erection of 6 no. 3-bed town houses.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr A Graham of Smart Property Investment and Management against Ribble Valley Borough Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are the effect of the proposed development on
  - i) the character and appearance of the area, and
  - ii) the living conditions of the occupiers of neighbouring properties, with particular regard to daylight and outlook.

### Reasons

#### *Character and appearance*

4. The appeal site comprises a residential property and associated large garden with outbuildings. It is located to the rear of modern 2 and 3 storey properties on Copperfield Close. It is accessed from Hall Street, a primarily residential road with traditional terraced properties. Despite the mixture of housing types in the area, there is nevertheless a degree of consistency in terms of character and appearance as a result of the arrangement and grouping of similar styles of properties. Ribblesdale Wanderers Cricket and Bowling Club borders the site to the north and east, and the appeal site garden contributes to the open undeveloped character of this part of the area.

5. The proposed development is the demolition of the existing property and garden buildings and the erection of six 3 bedroom dwellings. Properties would be 2 storey and arranged in 2 perpendicular blocks, each with 1 detached and a pair of semi-detached dwellings. They would be of a relatively simple design with pitched roofs and small front entrance porch projections. Front elevations of all properties, and the south facing gable end of unit 4, would be finished in stone. All other elevations would be rendered. Rear gardens would be enclosed by 1.8 metre close-boarded timber fencing. There would be 2 car parking spaces for each dwelling.
6. Although maximising the use of the available space, the proposed arrangement of properties would not be in keeping with the character and appearance of residential development in the area. Plots 1 to 3 would not be a continuation of the adjacent terrace but would nevertheless be an incongruous and discordant addition to the end of Hall Street. Plots 4 to 6 would be tightly spaced, in close proximity to site boundaries, and at right angles to the arrangement of properties on Springfield Close. Consequently, the proposed development would not be sympathetic, or relate well, to surrounding built development.
7. While the appeal property is set back near to existing residential development, the large garden is adjacent to open recreational spaces and the rear gardens of properties on Springfield Close. The proposed layout would result in the gable ends of plots 4 and 6 being located close to garden and bowling club boundaries. As a result of their height and proximity, the gable ends would result in an awkward interface and unsympathetic relationship between the proposed development and the adjoining land uses.
8. By virtue of its design, density and layout, the proposed development would result in harm to the character and appearance of the area. It would be in conflict with the development plan, specifically Policy DMG1 of the Ribble Valley Borough Council Core Strategy 2008 – 2028 adopted December 2014. This requires, amongst other matters, that development should be sympathetic to existing and proposed land uses, paying particular regard to its appearance and relationship to its surroundings.

#### *Living conditions*

9. The proposed development would be immediately behind Copperfield Close. Although Plots 1 to 3 would have first floor windows facing Springfield Close, there would be sufficient separation between properties to avoid close overlooking or loss of privacy between facing windows. However, the small garden spaces to the rear of plots 1 to 3 would be overlooked to some degree by first floor windows in rear elevations of Springfield Close. The need to provide for vehicle access and parking to the rear of plots 1 -3 would result in noticeably smaller private garden space for plots 2 and 3 than for the remaining plots. The modest size of the gardens and their relationship to neighbouring properties would result in a reduction in usable space. While there are properties in the areas with limited private outdoor space, these tend to be traditional terraced properties and not more modern family dwellings as are proposed here. Although the Council does not have published guidance on garden space standards, the small overlooked rear gardens of plots 2 – 3, in particular, with vehicular access for neighbouring properties to the rear, would not meet the standard of living conditions that future occupiers might reasonably expect.

10. As a result of the density and layout of the proposed development, the gable end of plot 4 would be in close proximity to the rear boundary fences of Nos 32 and 33 Springfield Close. These 3 storey properties have habitable room in the rear elevations, including first floor living rooms. The proposed blank 2 storey gable would be in close proximity to the boundary fence and approximately 13 metres from the rear-facing windows of these properties. The Council does not have published guidance on acceptable separation distances between habitable room windows and gable ends. However, while traditional terraced properties tend to be closely spaced, more modern detached and semi-detached properties in the area are generally more widely separated. In this case, as a result of its height and proximity to the boundary, the proposed 2 storey gable end would be visually obtrusive and would be an overbearing form of development when viewed from the principal windows of habitable rooms in Nos 32 – 33 Springfield Close.
11. The proposed gable end of plot 4 would be on the northern side of the rear gardens of Nos 32 – 33 and would not result in significant overshadowing. However, my observation is that the parts of these gardens closest to the appeal site are likely to benefit from higher levels of light and sunlight than those parts in closer proximity to the 3 storey elevations, and consequently could be expected to be enjoyed by the occupiers of those properties. By virtue of its height and proximity to the boundary, the proposed gable end would be an overbearing form of development and would harm the living conditions of the occupiers of these properties when using their gardens.
12. I find that the proposed development would harm the living conditions of the occupiers of neighbouring properties as a result of loss of outlook and an overbearing form of development. The living conditions of the future occupiers of plots 2 – 3 would also be harmed as a result of the small garden space provided. The appeal scheme would be in conflict with Policy DMG1 of the Core Strategy which requires, amongst other matters, that development does not adversely affect the amenities of the surrounding area including providing adequate day lighting and privacy distances.

### **Other matters**

13. The Council's locational strategy is set out in Key Statement DS1 of the Core Strategy. This directs the majority of new housing to principal settlements including Clitheroe. In this respect, the proposed development is in a suitable location for new residential development. However, the Council is able to demonstrate a 5 year housing supply, and the provisions of paragraph 11 of the National Planning Policy Framework do not therefore apply.

### **Conclusion**

14. For the reasons set above, I conclude that the appeal should therefore be dismissed.

*Sarah Manchester*

INSPECTOR