



## Appeal Decision

Site visit made on 17 August 2020 by Hilary Senior BA (Hons) MCD MRTPI

**by Susan Ashworth BA (Hons) BPL MRTPI**

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

**Decision date: 1 October 2020**

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**Appeal Ref: APP/T2350/W/19/3242222**

**Land at Hawthorne Place, Clitheroe BB7 2HU**

- 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 Brown against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2019/0262, dated 25 March 2019, was refused by notice dated 30 May 2019.
  - The development proposed is the erection of a single dwelling with associated access, landscaping and all other works.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues are:
  - the effect of the proposal on the character and appearance of the surrounding area, and
  - whether the proposal would provide satisfactory living accommodation for future occupiers of the development and the effect of the proposal on the living conditions of occupiers of 41 Hawthorne Drive and Ashdown.

### Reasons

#### *Character and appearance*

4. Hawthorne Place is characterised by detached two-storey dwellings, set back from the road on well-defined building lines, with open parking and landscaped areas to the front. Properties are generally regularly spaced with gaps between them and are similar to one another in terms of their scale and massing. This creates a regular rhythm to the street scene which contributes to the character of the area.

5. The appeal site lies at the head of a cul de sac at the corner of a turning area and comprises an area of open space that currently forms part of the garden and driveway of No 43.
6. The proposed dwelling would be sited only 0.8m from the back of the footpath, and in contrast to the pattern of development in the street, would have no garden to the front. In addition, the property would be sited near the side wall of the extended 41 Hawthorne Place and very close to the common boundary with that property. Again, the limited space between the appeal proposal and No 41 would not reflect the characteristic gaps between the adjacent dwellings. Added to that, the proposed dwelling would be considerably less substantial in terms of its size and massing than the existing property and those in the immediate vicinity. Consequently, as a result of its scale, the lack of space around it and its proximity to the neighbouring dwelling, the proposal would appear as a cramped and anomalous addition to the street scene.
7. The site has been subject to a previous appeal decision<sup>1</sup>. I note that the current proposal has been amended to attempt to address the concerns of the previous Inspector, particularly in relation to the location of the proposal within the site in order to increase the distance between it and the adjacent properties. Nevertheless, the proposal would result in harm to the character and appearance of the area as outlined above.
8. Consequently, for the above reasons, the proposal would have an adverse impact on the character and appearance of the area. As such it is contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008-2029 'A Local Plan for Ribble Valley' (2014) which seeks to ensure, amongst other things, that development is sympathetic to existing uses in terms of scale and massing and considers the layout and relationship between buildings.

#### *Living conditions*

9. I acknowledge that the layout of the development has evolved to improve the relationship between the proposed dwelling and neighbouring properties. However, even though the proposed dwelling would be further away from properties to the rear than in the previous appeal, the separation distance between the proposed dwelling and Ashdown would still be significantly less than the minimum 21m as required in the Council's Planning Policy Note and Design Guidance: Extensions and Alterations to Dwellings. As such, the rear garden and habitable rooms would be overlooked, albeit obliquely, by the occupiers of Ashdown, particularly from the first-floor bedroom window, resulting in a substandard level of privacy for future occupiers. This would also lead to reciprocal loss of privacy for the occupiers of Ashdown.
10. There would be no side facing habitable room windows facing No 41. Nevertheless, given the height of the building, its close proximity and projection adjacent to the boundary, it would be a dominating structure that would be overbearing. As such the proposal would also cause limited harm to the living conditions of the occupiers of this property.
11. The proposal would be visible from the front rooms of the neighbouring property 45 Hawthorne Place, which I saw from the site visit. However, outlook from windows on the front elevation towards no 45 would be at such an acute

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<sup>1</sup> APP/T2350/A/12/2173804

angle that the privacy of the occupiers of that property would not be unduly harmed. No windows are proposed on the side elevation of the building. The Council raised no objection to the proposal in this respect and I am satisfied based on all I have seen that the proposal would not cause unacceptable harm to the living conditions of the occupiers of that property.

12. Nevertheless, for the reasons set out above, the proposal would not provide satisfactory living conditions for the future occupiers of the proposed dwelling and would have an adverse impact on the living conditions of occupiers of 41 Hawthorne Place and Ashdown. As such it is contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008-2029 'A Local Plan for Ribble Valley' (2014) which seeks to ensure, amongst other things, that development does not affect the amenities of the surrounding area.

### **Other Matters**

13. I note that the appellant contends that the Council is unable to demonstrate a 5 year supply of housing land, however there is no evidence before me on this matter. Even if there is a shortfall in homes, this proposal would only make a limited contribution to that shortfall and the benefit to the local area is not outweighed by the harm identified to the character and appearance of the area and to living conditions.
14. My attention has been drawn to other planning applications for single dwellings within residential gardens in the local area. From the information before me, these dwellings would appear to reflect the character and appearance of the area and do not cause overlooking or other privacy issues. They are not therefore directly comparable with the proposal before me which in any event has been determined on the basis of the site specific circumstances of this case.
15. I also acknowledge the concern that the proposal could lead to insufficient parking and turning space for the host dwelling. However, even if the driveway proved insufficient as a parking area, there is no convincing evidence before me that any resultant on-street parking would be detrimental to highway safety.

### **Conclusion and Recommendation**

16. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

*Hilary Senior*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Susan Ashworth*

INSPECTOR