

**APPEAL BY
MR G HUGHES
AGAINST THE REFUSAL OF
RIBBLE VALLEY BOROUGH COUNCIL
TO GRANT PLANNING PERMISSION FOR
A
PROPOSED TWO STOREY SIDE EXTENSION,
REAR CONSERVATORY AND TWO ROOFLIGHTS
AT 5 THE CRESCENT, DUNSOP BRIDGE BB7 3BA**

Grounds of Appeal Statement

APPEAL REFERENCE APP/T2350/D/14/2219598

LPA Reference 3/2014/0124

Refused: 25 March 2014

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GROUND OF APPEAL STATEMENT AGAINST THE REFUSAL OF RIBBLE VALLEY BOROUGH COUNCIL TO GRANT PLANING PERMISSION FOR A:

TWO STOREY EXTENSION, REAR CONSERVATORY AND TWO ROOFLIGHTS AT 5 THE CRESCENT, DUNSOP BRIDGE BB7 3BA

1 SITE CIRCUMSTANCES

- 1.1 The appeal site is situated on the west side of the unadopted road which leads from Newton Road north out of the village of Dunsop Bridge. The site is the left hand of a pair of semi-detached houses which together with its neighbours form a Crescent. There are eight houses in all, in four pairs numbered consecutively. Numbers three to eight were built by the predecessors to United Utilities to house workers for the various water collection facilities in the area. They were built in the 1950's and tenanted to 'Water Board' workers. About 13 years ago the houses were sold and are now owned privately. These houses are two storeys high with rendered walls tiled roofs with a small hip to the gable. Originally each had a small single storey lean to on the gable. The houses have altered since they have been privately owned. Some of these changes have been low key such as window replacement and painting of render in various colours but there have been significant changes to number 4 and 8 which have received two storey side extensions.
- 1.2 1 and 2 The Crescent are timber clad with a shingle roof and dormers to the rear. It is understood that they were gift to the Nation from the Norwegians after the Second World War. 1 to 6 Forestry Houses are a group of houses similar to 3 to 8 The Crescent south of The Crescent. These were similarly built for forestry workers and have rendered walls and tiled roofs. These houses are positioned irregularly to the road.
- 1.3 Dunsop Bridge Village is situated around the bridge on Newton Road which crosses the river Dunsop. To the east of the river the village has a Post Office and Puddleducks café and shop a repair garage St George's church room, a childrens' play area and sports field and three dwellings. Immediately to the west of the bridge is a Working Men's Club and a cottage. Forestry Houses and The Crescent is a total of 14 dwellings. At Lane Ends there are four terraced houses and along Trough Road there is the village hall the primary school and school house. Also along Tough Road at either side of the school is the recently constructed social housing comprising 12 new dwellings. Further north on Trough Road on the west side is St Huberts Church and Presbytery. It is a small village serving a very rural area. The defined village boundary which is in three sections is shown in the adopted local plan map inset 11. See appendix 1. This shows the appeal site to be in the settlement boundary and within an area of outstanding natural beauty.
- 1.4 Dunsop Bridge is 7.5 miles from the nearest main settlement of Clitheroe which is 10.2 miles by road taking approximately 30 minutes. Longridge is 9 miles away 10.7 miles by road taking 45 minutes. These main settlements contains the nearest supermarkets, main health facilities and secondary schools.

2 PLANNING HISTORY

- 2.1 There have been no previous applications for planning permission at the site but the following application are relevant to this appeal:
- 2.2 3/2009/0084 8 The Crescent Dunsop Bridge Two storey side extension Approved 25/03/2009 Appendix 2
- 2.3 3/2006/0906 4 The Crescent. Two storey side extension and single storey to rear. Re-submission Approved 7/12/2006 Appendix 3
- 2.4 3/2010/0758 Land at Trough Road Dunsop Bridge Proposed residential development comprising twelve dwellings with associated access, parking and landscape works Approved subject to a legal agreement limiting the development to affordable dwellings 08/04/2011 Appendix 4

3 Proposed Development

- 3.1 The proposed side extension extends across the full width of the gable of the house which is 6.165m. The front and rear wall of the extension is flush with the front and rear wall of the house. The extension projects out to the side of the house by 3.61m and replaces the existing single storey lean to. At the rear of the extension a conservatory is proposed which projects beyond the rear wall into the garden by 3.045m. The overall width of the conservatory is 3.080m. The walls of the extension are proposed to be rendered to match the house. Roof tiles are to match the roof which is to be pitched with a slight hip. The windows are proposed in white upvc as is the proposed conservatory. Two roof lights are proposed, one in the front roof slope and one in the rear roof slope.

4 Government Guidance

- 4.1 National Planning Policy Framework (NPPF) provides policy at a national level. Paragraph 11, reminds that *“planning law requires that applications for planning permission must be determined in accordance with the development unless material considerations indicate otherwise”*.
- 4.2 Section 7 Requiring Good Design of the NPPF paragraph 56 says “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” At paragraph 61 it goes on to say “Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment”.
- 4.3 Section 11 Conserving and enhancing the natural environment. At paragraph 115 says that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 111 states that planning decision “should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

- 4.4 Section 6 Delivering a Wide Choice of High Quality Homes. Paragraph 50 expresses the Government's intent to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, mixed communities. Paragraph 55 says "To promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities."

5 DEVELOPMENT PLAN

- 5.1 The development plan includes saved policies in the adopted Ribble Valley Districtwide Local Plan adopted 1998 and the draft policies in the Core Strategy Regulation 22 Submission Draft.
- 5.2 The saved policies cited on the decision notice are policies G1, ENV1, ENV3 and H10. Policy G1- Development Control, states all development proposals will be expected to provide a high standard of building design and landscape quality. Development which does so will be permitted subject to a list of criteria. Policy ENV1- Area of outstanding Natural beauty aims to protect conserve and enhance the character of the landscape. Policy ENV3 relates to areas of open countryside outside the AoNB. The site is shown as being in the AoNB not the open countryside on the proposals map of the local plan and so we assume this to be an error. Policy H10 Residential extensions, states proposals to extend or alter existing residential properties will be considered on the basis of scale design and massing of the proposal in relation to the surrounding area. Draft Core strategy policies cited on the decision notice are DMG1, EN2, DME2 and DMH5. DMG1-General considerations, restates Local Plan Policy G1. DME2-Landscape and townscape protection seeks to protect specific landscape features and characteristic townscapes of the area. DMH5: Residential and Curtilage extension requires house extensions to accord with policy DMG1.
- 5.3 The Council has also produced Supplementary Planning Guidance: Extension and Alterations to Dwellings.

6 PLANNING CONSIDERATIONS

- 6.1 The main issues in this appeal are the effect of the development on the street scene and the character of the Area of Outstanding Natural Beauty, the effect of the development on the privacy neighbouring resident, any other material considerations which are relevant to this appeal.

Two storey side extension

- 6.2 The Council in assessing the proposal concludes that the two storey side extension would have a cramped appearance and would create a terracing effect. See decision notice and Delegated Item File Report appendix 5. The Crescent and Forestry Houses are positioned to the west of the road leading from Newton Road. The houses are set at varying angles to the road which is also a public footpath. These 14 dwellings are set on their own as a discrete group surrounded by open fields and spectacular views of the surrounding hills and landscape. The houses are utilitarian in appearance.

- 6.3 The proposed extension is on the gable of 5 The Crescent which is next to 4 The Crescent. Originally both houses were built with a single storey lean to on the gable. Planning permission was granted in 2006 for two storey extension to 4 The Crescent to replace it's lean to. The extension projects 3.6m from the original gable leaving 0.6m to the boundary. There is now 3m from the built extension to the lean to at number 5 and 4.95m to the gable at number 5. (Not 5.15m as quoted in the delegated item file report). This is shown on shown on plan 390-1.
- 6.4 The proposed extension at 5 The Crescent projects from the gable by 3.61m leaving 0.6m to the boundary a similar distance to the gap left at the side of the previously approved extension at 4 The Crescent. This is shown on submitted plan 390-2. As both extension are similar in size and the extension at 4 the Crescent was approved whilst at 5 The Crescent it was refused we can assume that it is the combined extensions which are perceived as inappropriate. We can also assume that if 5 The Crescent had applied for the extension first it would have been approved and if the extension at 4 the Crescent had been submitted second it would be have been refused. What is it about the combined extension which has caused the Council to refuse planning permission?
- 6.5 The Council states in the delegated report that the proposed extension would be a cramped form of development leading to a terracing effect as the gap is drastically reduced. The gap that would left between the properties would be 1.6m (not 0.85m as quoted in the Delegated Item File Report). 1.6m is not an insignificant amount. The eaves and ridge line will differ and the gables are hipped. The colour of the render at 4 and 5 the Crescent is quite different and emphasises the distinction between the two buildings. Indeed there is quite a difference between the colour of the render and the colour of the windows frames within this group of properties so that they do not appear are a homogenous whole. The result will be that a visual break between the properties 4 and 5 will still remain. See photograph 1
- 6.6 It is appropriate to consider whether the reduction of the gap between the properties to 1.6m look inappropriate in this setting. There are terraced rows of properties in the village. The Post Office is within a terrace, there are four terraced houses at Lane Ends on Newton Road. See photograph 2. The new social housing on Trough Road comprises a row of six terraced houses and a row of eight terraced houses together with a pair of semi-detached houses. See photograph 3 and 4. Terraced houses are not unusual in the village. Clearly the Council considers that terraced housing is an appropriate form of development for this village otherwise approval would not have been granted for the social housing development. The reduction of the gap would not create an inappropriate form of development and the remaining space between the houses of 1.6m would ensure that the development did not appear cramped. Indeed if the terracing effect is of such concern then it seems illogical that they would have approved the extensions to 4 and 8 The Crescent. The extension at 4 The Crescent is flush with the front wall of the house see photograph 5 and there is only a very slight set back of the extension to 8 The Crescent. Photo 6.
- 6.7 The Council also express concern regarding the loss of the view between 4 and 5 The Crescent. The public view between the buildings is from the road which passes

to the east of the houses. The road immediately front of the houses is not a public right of way. A person walking along the road along the public footpath has wide ranging and spectacular views to the east and wide ranging views to the west before and after Forestry Houses and The Crescent. In this context the views between the houses are not significant. The views that do exist are only partial and these are interrupted by garden trees, garages, and the original lean to structures on the gables of the properties. See photograph 1. The public views of the rear of 5 The Crescent are from Trough Road as stated in the Delegated File Report. These are not close range views and the gap between the houses on The Crescent are less significant see photograph 7. In this context of the surrounding wide ranging views the loss of the view between the buildings is not a significant loss.

- 6.8 The Council has expressed its concerns in regards to the impact of the development on the Area of Outstanding Natural Beauty in terms of the loss of views of the AoNB between the buildings and the change in the basic character of the layout of the original estate. The extension will not change the character of the estate to any significant extent and the design of the extension is similar to the original building and similar to the other two, two storey extensions already approved by the Council and built within this group of dwellings. The proposal is not in conflict with local plan policies G1, ENV1 and H10 or draft Core Strategy policies DMG1 EN2 DME2 or DMH5. DME2 refers to specific landscape features such as traditional stone walls or ponds. No such feature is threatened by the development and the Delegated Item File Report refers to none.

Conservatory

- 6.9 The Council considered that the proposed conservatory would lead to a loss of privacy to the gardens of the neighbouring properties. The proposed conservatory is proposed entirely in plain glass. It is positioned approximately 1.2m from the joint boundary with 4 The Crescent and approximately 8.5m from the joint boundary with 6 The Crescent. The two storey side extension to 4 The Crescent projects beyond the rear elevation of 4 The Crescent by 1.45m (on plan 390-2). Photographs 8 and 9 show that immediately to the rear of the extension at number 4 is a timber shed. Within the garden of 5 The Crescent there is also a timber shed. The neighbours existing extension and the two sheds provide sufficient screening between the proposed conservatory and the neighbours' garden at number 4 for no loss of privacy to occur. The gardens at The Crescent surrounded by picket fencing. Photographs 10 and 11 show the picket fence and hedge between 4 and 5 the Crescent. This fence and hedge does not provide a solid screen between the gardens but it does provide privacy. This existing boundary treatment and 8.5m between the conservatory and the boundary will ensure that the neighbours do not suffer any significant loss of privacy to their garden. The proposed conservatory does not conflict with policy G1, H10 of the Local Plan, draft Core Strategy policies DMG1 and DMG5 or the Council's Supplementary Planning Guidance. However if the Inspector concurs with the Council's view that a loss of privacy would occur, it is open to the Inspector to impose a condition requiring some of the glass in the conservatory to be opaque glass walls or a condition requiring the picket fence to be replaced with a

solid panel fence. This would certainly overcome any possibility of the conservatory creating any loss of privacy.

Other material considerations.

- 6.10 We also request that the Inspector take into account the very rural location of the appeal site, the vitality of this rural community and the specific circumstances of the appellant and his family in this context. We consider that these are material considerations which should be taken into account in the determining this appeal.
- 6.11 The NPPF at paragraph 61 encourages a holistic approach to decision taking insisting that decisions should take into account the connections between people and places as well as aesthetic considerations. The health and vitality of this rural community depends on the provision of appropriate housing, access to employment and the retention of the primary school and other community facilities.
- 6.12 The planning application for the social housing in 2010 was accompanied by a Design and Access Statement (DAS). See appendix 6 The DAS referred to public consultation that was carried out in 2005 for a master-plan for Dunsop Bridge by Rural Innovation Ltd. Section 4 of the DAS quotes from the rural innovations document which sets out the following as “priorities for action to move towards a sustainable community”:

“Secure a wider range of housing provision to improve affordability, encourage long term occupancy and so commitment to the community, and maintain a sustainable mix of residents. Provision might include

- *Starter units / homes for young families*
- *Retirement homes*
- *Live / work units to attract entrepreneurs / new locally based business owners*
- *Sustainable occupancy costs*
- *Longer lease terms”*

The planning application for 12 houses was result of this and consideration of the Council’s housing need survey. The housing scheme that was approved has provided 12 five person three bedroom homes see section 6.7. The plans and elevation are shown at appendix 7.

- 6.13 The appellant Gil Hughes and his wife Lisa Hughes work from home running an on-line business providing Maths and English tuition for children. This is their main occupation and source of income. They have three children a girl aged seven and two boys aged five and four. The family is well integrated into village life. Lisa is Governor at the School and runs a Sacramental Group at the St Huberts Church. Gil ran a Church Pastoral Group last year. He is a member of the Working Men’s Club which opens one night per week and he is involved in the organisation of the four or five community events which are run from the Club each year and open to all. Lisa and Gil are involved with ‘Friends’ of the school which raises money for the school and organises social activity in association with the School. The primary school currently has a total of 28 children. Of those children three are from the Hughes family, four are children from the new social housing and there is one other child from the village.

- 6.14 There are 35 houses in the village, 12 of these were recently built by The Duchy of Lancaster and are for social rent managed by Ribble Valley Homes. Approximately half of the houses in the village are rented and half are privately owned. The market value of the houses on The Crescent are less than for a similar sized house within the village because of the 'municipal' appearance. The appellants cannot afford to buy a bigger house in the village/local area even if one were to come for sale.
- 6.15 On paper, 5 The Crescent could be described as a five person three bed roomed dwelling. The reality is that the room sizes are not generous, the bedrooms in particular have enough space for the bare essentials, and there is not sufficient space for a desk to study at. On the ground floor there are two main rooms and ancillary space all of which is necessary for day to day domestic life. Ideally the house requires an additional room for Gil and Lisa to carry out their work in and the children require an additional bedroom as bedroom 3 is currently just big enough to hold a single bed but little else. It is essential that the Inspector visits the site and sees the interior of the dwellings to be able to appreciate the limited amount of space that is currently available.
- 6.16 The options for this family are realistically to extend this house or move out of the area. Four bedroomed houses in the locality are too expensive. There are no building plots available in the village and if there were they would be on greenfield sites. The extension being within the garden area of the house would be on previously developed land as preferred by paragraph 111 of the NPPF. The proposed extension would provide this family with four bedrooms and a flexible space to study in on the first floor and two reception rooms on the ground floor. This would provide sufficient space for Gil and Lisa to carry out their work from home flexibly around their family's needs. The children will have sufficient space to study as well as space to relax.
- 6.17 The proposed extension represents sustainable development which will enhance and maintain the vitality of this rural community in line with section 55 of the NPPF. The development will allow this family to stay within this community in which they play a significant role. They have a long term commitment to living in Dunsop Bridge and an extension to the existing house is the only practical way of this family being able to stay. They have three primary school aged children which on their own represent 11% of the school roll.

7 CONCLUSION

- 7.1 We have demonstrated that contrary to the Council's assertion the proposed extension is an appropriate form of development that will not harm the appearance of the street scene or the visual qualities of the AoNB. There will remain a sufficient distinction between 4 and 5 The Crescent for a terracing effect not to occur. The construction of the conservatory would not lead to a loss of privacy to neighbours' gardens since one is screened by existing outbuildings, and its effect on the other is

mitigated by the distance to the joint boundary and by the screening effect of the existing fence and hedge. If any doubt remains there is the opportunity to provide opaque glazing or screen fencing by the imposition of a condition.

- 7.2 The need for the provision of adequate housing in this rural area has already been demonstrated by the construction of social housing by the Duchy of Lancaster. This reflects the inability of the market to provide for the needs of the community due to high house prices in relation to incomes. In a community of this size the needs of individual families have the potential to effect the community as a whole. The provision of housing of the right size to meet the needs of this growing family is essential to the well-being and vitality of this community. The loss of this family if they had to move away would be detrimental to the community as a whole. This is a material planning consideration and in line with the requirements of the NPPF to take such matters into account in planning decisions.

APPENDICES

- 1 Ribble Valley Districtwide Local Plan Proposals Map Inset 11
2. 3/2009/0084 8 The Crescent Dunsop Bridge Two storey side extension Approved 25/03/2009. Delegated Report
3. 3/2006/0906 4 The Crescent. Two storey side extension and single storey to rear. Re-submission Approved 7/12/2006 Decision notice
- 4 3/2010/0758 Land at Trough Road Dunsop Bridge Proposed residential development comprising twelve dwellings with associated access, parking and landscape works Approved subject to a legal agreement limiting the development to affordable dwellings 08/04/2011. Decision Notice
5. Delegated Item File Report 3/2014/0124.
6. Design and Access Statement accompanying planning application 3/2010/0758.
7. Plan and elevation drawing of social housing accompanying planning application 3/2010/0758.