

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

Statement of Case on behalf of Ms C Beckett

26 Whalley Road
Langho

Ribble Valley Borough Council ref – 3/2024/0614

October 2024

Contents

1. Introduction
2. Site, surroundings and planning history
3. Planning policy
4. Case for the Appellant
5. Summary and conclusion

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1 Introduction

1.1 This Statement of Case is prepared on behalf of Ms C Beckett ('the Appellant') in support of a Written Representations Appeal against the refusal of householder planning permission in relation to a side extension at 26 Whalley Road, Langho ('the Appeal site').

1.2 The application (ref – 3/2024/0614) was determined by Ribble Valley Borough Council ('the Council') on the 25th September 2024 and contains a single reason for refusal.

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

"The proposed development, by virtue of its roof symmetry and overall scale, bulk and massing, is considered to be of poor design and would read as an unsympathetic, incongruous and over dominant addition to the application property. Furthermore its prominent corner siting would mean that the resultant development would be clearly visible in the street scene and as such is considered harmful to the visual amenities of the area. The proposed development would therefore fail to satisfy the requirements of Paragraphs 135 © and Policy DMG1 of the Ribble Valley Core Strategy"

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

2 Site, surroundings and planning history

- 2.1 The appeal site comprises a corner plot bungalow, within the settlement boundary of Langho. It is located at the junction of Whalley Road and Springdale Road and has been subject to alterations in the past, as set out later in this section.
- 2.2 Access to the property is taken directly from Whalley Road via an existing driveway. The point of access is to remain unchanged but parking capacity within the plot is to be improved as shown on the submitted drawings.



Figure 1 – site location

- 2.3 In terms of local vernacular, the site is characterised by the predominance of bungalows which line this section of Whalley Road. There is a notable amount of variation in the properties by way of their detailing and finish, though some visual consistency is achieved through the use of render and red brick.
- 2.4 Whilst it is a corner plot property and visible from the adjacent highway, the dwelling is modest in size and the dwellings are not of any particular architectural merit. There is already a single storey, flat roofed side extension in situ to the gable elevation. The refused application sought to retain and alter this addition through the introduction of a pitched roof.
- 2.5 Side extensions to the properties on Whalley Road are relatively common and often take differing forms in terms of the scale and overall appearance, with flat and pitched roofs present. Included below are examples of other additions within the street scene. The extension at 2 Whalley Road, for example, is significant in footprint and almost doubles the size of the property. The extension at no.4 is also flush with the principal elevation of the dwelling but utilises a hipped roof.

- 2.6 The addition at no. 46 is not dissimilar to the Appeal proposals, being a corner plot property and again being flush with the front elevation. Whilst the roofline is set down (something which was offered during the determination of the application subject to this Appeal) it has a bulk and presence on a prominent and visible junction which is not unduly harmful. Similarly the extension at 'Alvera' is flat roofed and again on a corner plot.
- 2.7 These examples help to give an indication of the variety present along the A666 and provide some context in which the appeal proposals should be considered.



Figure 2 – large side extension at 2 Whalley Road



Figure 3 – extension at 4 Whalley Road flush with the principal elevation and front roof slope



Figure 4 – side extension at 46 Whalley Rd



Figure 5 – side extension at Alvera

Planning History

- 2.8 The site has been subject to two previous planning applications which are of relevance to the Appeal. In 2012 (RVBC ref – 3/2012/0034) consent was granted for *“proposed dormer windows to the front, together with a side extension to the bungalow and demolition of the existing garage”*.
- 2.9 This permission was partially implemented, with the dormer windows having been installed. As such the side extension remains extant and able to be implemented. An excerpt from the approved drawings is included below for reference.

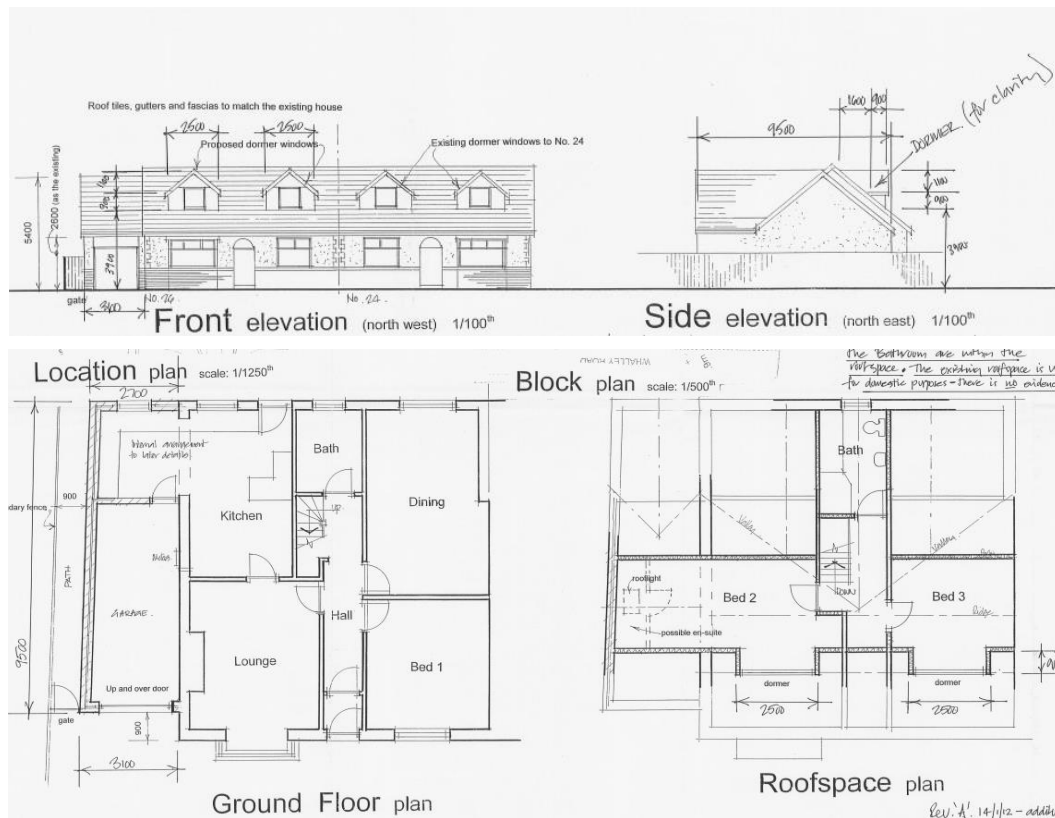


Figure 6 – drawings approved under permission 3/2012/0034

- 2.10 A further application was made in 2024 (RVBC ref – 3/2024/0155) seeking permission to change the property to a children's home (Class C2) and to retain a single storey side extension which had been erected to the gable elevation.
- 2.11 The application as a whole was refused and with regard to the extension, the decision stated that:

"The unauthorised single storey side extension, by virtue of its flat roof, scale, bulk and massing, is considered to be of poor design and reads as an unsympathetic and incongruous addition to the application property. Furthermore its prominent corner siting means that it is clearly visible in the street scene and is considered harmful to the visual amenities of the area. The proposed development would therefore fail to satisfy the requirements of Paragraphs 135 (C) and Policy DMG1 of the Ribble Valley Core Strategy"

3 Planning policy

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

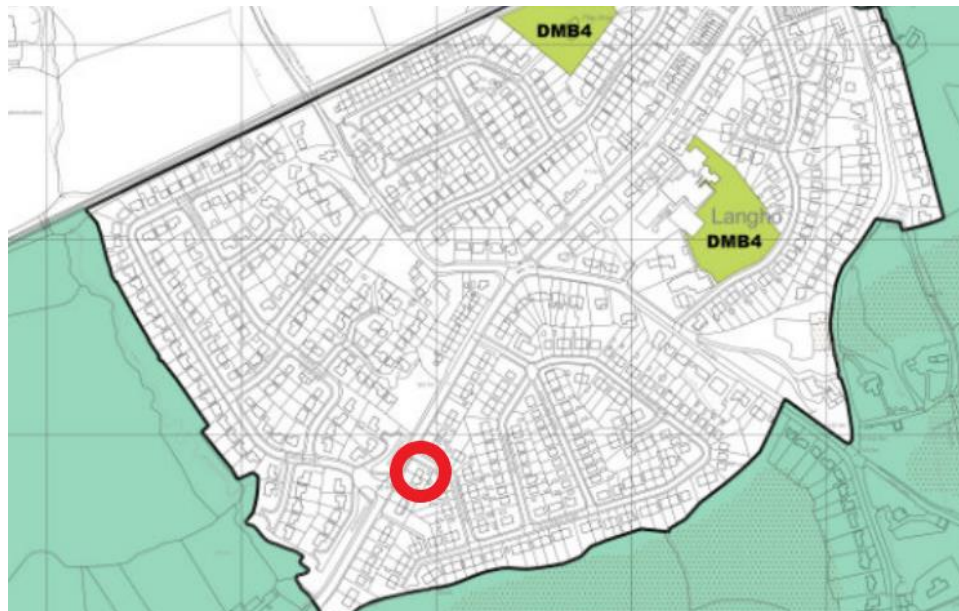


Figure 7 – Policy maps excerpt (site denoted by red circle)

The development plan

- 3.3 The reason for refusal contained within the decision notice suggests that the development will cause harm from both its massing and design, being an “over dominant addition”. All other associated material considerations are deemed to be acceptable, therefore the analysis in this Statement will be limited to the following Core Strategy policy, cited by the Council:

- **Policy DMG1** sets out various criteria to be considered in assessing planning applications, such as design, layout and density, requires new development to be sympathetic to existing land uses, acceptable in terms of highway safety and should not adversely affect the amenities of the area.

National policy

- 3.4 The National Planning Framework (‘the Framework’) sets out the Government’s planning policies for England and details how they should be applied. It requires local planning authorities to adopt a presumption in favour of sustainable development, as detailed within paragraph 11.

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- 3.5 In addition to the aforementioned Core Strategy policy, the reason for refusal also cites conflict with paragraph 135 of the Framework, with particular reference in the officer report to subsection c) which requires that “*planning policies and decision should ensure that developments are sympathetic to local character and history, including surrounding built environment and landscape setting*”.
- 3.6 It is not considered that the draft changes to the Framework, which have recently been consulted on, have a bearing on this Appeal.

4 Case for the Appellant

- 4.1 The reason for refusal, as laid out in the decision notice, will be considered below and assessed against the aims and objectives of the respective policies. It is evident that the main issue to consider is the design and scale of the extension, and to what extent this would be harmful within the street scene.

Scale and massing with regard to the host property

- 4.2 The reason for refusal is expanded upon within the case officer's delegated report. Whilst the full report will be provided to the Inspector as part of the Appeal, the officer makes the following points with regard to the development, which will be explored further in making the case in favour of the development:
- That the fall-back of the extant permission 3/2012/0034 is not comparable to the current proposals by virtue of its bulk and massing; and
 - That the extension fails to appear subservient to the host property and should be set back from the principal elevation and down from the existing roofline
- 4.3 It is this combination of concerns which ultimately lead to the refusal.
- 4.4 Prior to the development which has been undertaken, there was an original detached garage located to the side elevation of the property, this can still be seen on Google Streetview images, as shown below. Whilst it is accepted that it was smaller than the current extension, it remains that it had a visual presence within the street scene, was visible above the boundary fence and seen from the short section of Whalley Road when passing the site. As such there has been built form in the space between the gable elevation and the boundary fence of the property for some time.



Figure 8 – original detached garage to side

- 4.5 The addition approved under the 2012 consent measured 9.5m by 3.1m, whereas the addition sought here measures 9.4m by 2.8m meaning that it is smaller in terms of footprint. The most notable difference is the set-back from the principal elevation, but in all other aspects the bulk and massing of the two are clearly comparable. The case made to the Council during the course of the most recent planning application was that their consideration should therefore be limited to the differences between the two and ultimately, whether the lack of a set-back was sufficient within itself to withhold planning permission.
- 4.6 The Council's concerns regarding the scale, bulk and massing of the extension are deemed to be overstated when considering the increase in size which occurs as a result of the extension. The original dwelling measures 9.2m in width, with the extension adding a further 2.8m to this, representing a 30% increase in the frontage. The resulting increase in footprint is also 30% of the original floorspace. This is not deemed to be disproportionate and provides a modest extension to a modestly sized property.
- 4.7 Whilst we disagree with the Council's position on the issue of massing and subservience, there is no explicit policy or supplementary guidance requirement for such an approach to domestic extensions, other than commentary within Policy DMG1 to consider the relationship between buildings. In any event, the need for subservience should be considered in the context of the particular street scene and its characteristics.
- 4.8 The most common situation in requiring extensions to be subservient is where a risk of terracing may occur which would unacceptably alter the character of an area and harmfully reduce the spacing between dwellings. In this instance the host dwelling is modest in scale and there is no risk of terracing due to its position. It is not contested that the extension is and would be seen within the street scene, but this does not automatically equate to harm.
- 4.9 If the host property or the proposed addition were much larger, a break in the building line may be beneficial to offset the massing involved. However, in this instance the extension is narrow, proportionate in scale and would not be perceived from public vantage points (primarily travelling along Whalley Road towards Wilpshire) in a way which would be unduly harmful.
- 4.10 The existing, projecting bay window to the bungalow also provides some articulation and a stagger within the frontage and avoids an unduly wide, flat principal elevation, devoid of detail. The lack of a set-back does not make the proposals inherently unacceptable, particularly when the street scene impacts arising from this are negligible when considered on the context of the available fall-back position.
- 4.11 For all of these reasons it is considered that the level of harm suggested in the reason for refusal is overstated and that the scale, massing and size of the extension, in the context of the host dwelling, is not disproportionate, does not unacceptably impact on its character and does not have an adverse impact on the street scene as a whole. The extension would not appear significantly larger in public views than the previously consented addition and the proposals achieve an element of subservience by virtue of their modest footprint and massing when compared to that of the host property. As such it is not unduly dominant.

- 4.12 The Appellant had made the offer to consider a possible stagger the proposed roof arrangement (whilst retaining the position of the front elevation) in an effort to achieve some subservience to satisfy the Council's requests, however this was felt to result in a disjointed design and was ultimately not pursued. It was therefore requested that the application be determined as submitted, in light of the factors in favour of approval set out in this Statement.

Summary

- 4.13 For the reasons outlined in this Statement, the Council's findings with regard to the impacts of the development are disputed and it is evident that these minor proposals would not have an undue or adverse impact on the street scene.
- 4.14 The size increase which occurs as a result of the extension is clearly not overly dominant and there is no need for such a small extension to be set back (for which there is no explicit policy requirement) accounting for the prevailing characteristics of the area. It would not disrupt the existing pattern of development along this section of Whalley Road or result in any wider, tangible impacts.
- 4.15 Accordingly, there is no conflict with Policy DMG1 of the Core Strategy of paragraph 135c of the Framework.

5 Summary and conclusion

- 5.1 This Statement of Case has been prepared on behalf of Ms C Beckett in support of a householder appeal against the refusal of planning permission at 26 Whalley Road, Langho.
- 5.2 It has been demonstrated that the principle of a modest domestic extension is acceptable in this location and that the differences between the proposed scheme and the previously approved, extant side extension are not so great as to withhold planning permission.
- 5.3 In light of this and all of the matters detailed within this Statement, it is respectfully requested that the Appeal is allowed and permission granted.