
Appeal Decision

Site visit made on 6 May 2014

by Roger Catchpole Dip Hort BSc (Hons) PhD MCIEEM

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

Decision date: 23 May 2014

Appeal Ref: APP/T2350/D/14/2216632

129 Whalley Road, Sabden, Clitheroe BB7 9EA

- 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 Finegan against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2013/0201, dated 22 February 2013, was refused by notice dated 24 February 2014.
 - The development proposed is described as the "demolition of part of the rear of the property and a proposed conservatory extension to the rear and side of the dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken into account the Government's Planning Practice Guidance, issued on 6 March 2014, in reaching my decision. The relevant content of this guidance has been considered but, given the facts of this case, it does not alter my conclusions.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the host property and local area bearing in mind the special attention that should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area (CA) and the Forest of Bowland Area of Outstanding Natural Beauty (AONB); and
 - the living conditions of the existing and future occupants of No 127 Whalley Road.

Reasons

Character and appearance

4. The host property lies within the Sabden CA at the end of a traditional mill worker's stone terrace that was built to serve the historic cotton weaving and printing industry of Sabden. As a consequence, the Sabden Conservation Area Appraisal 2005 identifies the terrace as part of the special interest of the CA and defines it as a *Building of Townscape Merit* on the *Townscape Appraisal*

Map. Locally quarried stone is the prevalent building material which has also been identified as a feature of special interest.

5. An access track runs along the rear of the terrace which separates small yards from the main garden areas, immediately opposite each property, that adjoin the open countryside. Garages and extensions dominate the rear of the terrace with very few of the yards retaining their original open quality. The host property is no different and has a two storey extension with a single storey, monopitch lean-to, that occupy a significant proportion of the rear yard. The main access to the property is situated on the western elevation that defines the end of the terrace rather than via the main frontage that faces onto Whalley Road.
6. I observe from the plans and my site visit that whilst only limited views of the proposed conservatory would be possible from Whalley Road, it would nonetheless still be clearly visible from the rear gardens of the terrace; the neighbouring property; and the open countryside beyond. Despite the diverse appearance of the rear of the terrace, I note that traditional building materials are common and that no conservatories are present. Consequently, the extensive glazing and white uPVC would lead to a highly divergent pattern of fenestration and introduce wholly inappropriate materials. Moreover, it would alter the solidity of the host property through an increase in the glazed area thus leading to a highly incongruous addition that would lack sympathy, not only with the host property, but also the local area. This would detract from the heritage significance of the CA and also, given the clear views that would arise from the surrounding countryside, the scenic beauty of the AONB.
7. The appellant has drawn my attention to a number of other developments that have failed to use traditional materials, as well as the use of concrete render on some extensions to the rear of the terrace. However, I do not find them comparable because the materials are considerably less conspicuous. Moreover, since I do not have the full facts before me I can only give this matter limited weight in the balance of this appeal.
8. The appellant has argued that the proposal is supported by neighbours and local councillors and that the lack of objection weighs in its favour. However, a lack of objection to a proposal can be for any number of different reasons and does not therefore necessarily indicate implicit approval. In any event, I do not find that this fact or local support that has been offered outweighs the harm that I have already identified.
9. Whilst the harm to the significance of the CA is less than substantial, I have no evidence before me to suggest that any public benefit would outweigh that harm. I therefore conclude that the development would fail to preserve the character and appearance of the CA contrary to policies G1(e)(h), ENV1, ENV16 and H10 of the Ribble Valley District Wide Local Plan 1998 (LP) that seek, amongst other things, to ensure sympathetic design; the use of appropriate materials; and the preservation of the character of both the CA and the AONB. I also find that it fails to meet the relevant standards of the Supplementary Planning Guidance Planning Policy Note and Design Guidance: Extensions and Alterations to Dwellings, Version 1, 2000 (SPG) with respect to this issue.

Living conditions

10. I observe from the plans and my site visit that the side elevation of the proposed conservatory would be in close proximity to the boundary of the neighbouring property, No 127 Whalley Road. Although the Council have argued that this would lead to an “unrestricted view into the neighbour’s property”, I note that the appellant would be willing to obscure-glaze all the windows overlooking No 127 which would overcome the harm that would otherwise be caused to their privacy. I am not persuaded by the argument that a “perception of being overlooked” would lead to any harm because a reasonable person would be able to understand that if they cannot see their neighbours then they cannot, in turn, be seen.
11. Given the above, I conclude that no significant harm would be caused to the living conditions of the existing and future occupants of No 127 Whalley Road and that this element of the proposal would therefore be consistent with policies G1(g) and H10 of the LP that seek, amongst other things, to ensure that proposals do not lead to a loss of light or privacy to neighbours. Neither do I find that it fails to meet the relevant standards of the SPG with respect to this issue.

Other Matters

12. Whilst I acknowledge the desire of the appellant to meet the needs of his growing family, I note from the Council’s evidence that planning permission for an extension that used more traditional materials and regular fenestration was granted but not implemented on the site (Ref 3/2011/0393/P). This suggests that there are viable alternatives where such needs can be met without compromising the character and appearance of either the host property or the local area.

Conclusion

13. I have found in the appellant’s favour in relation to the impact of the proposal on the living conditions of occupants of the neighbouring property. However, having regard to the information before me and my own observations on site, I conclude that the proposal would be unacceptable due to its impact on the character and appearance of the host property and local area and that the appeal should therefore be dismissed.

Roger Catchpole

INSPECTOR