

Statement of Case

Appeal By:

Mr and Mrs G L Walmsley against refusal of planning permission by Ribble Valley Borough Council for a Detached bungalow on land to the rear of 28 Calfcote Lane, accessed from Brindle Close, Longridge, PR3 3SR.



Planning Inspectorate ref:

Ribble Valley Borough Council Planning Ref: 3/2020/0036.

Content:

1.0	Introduction	3
2.0	The Appeal Site and Surroundings	4
3.0	Relevant Planning History	4
4.0	Policy Context	4
5.0	Assessment of the Appeal Proposal	6
5.0	Conclusion	9

Appendix A – Longridge Housing Needs Survey.

Appendix B – Court Judgement: Mansell v Tonbridge and Malling
Borough Council (2017).

1.0 Introduction

1.1 This Statement of Case (SoC) represents the case of Mr and Mrs G L Walmsley, (hereafter referred to as the appellant), against refusal of a detached bungalow within the rear garden of 28 Calfcote Lane, Longridge, PR3 3SR, by Ribble Valley Borough Council Planning Authority (hereafter referred to as the Local Planning Authority).

1.2 The refused planning application comprised of the following documents:

- Planning Application form.
- Design and Access Statement – PGB Architectural Services.
- Red edge Location Plan – drawing number 3072-003.
- Existing Block Plan - drawing number 3072-003.
- Proposed Block Plan - drawing number 3072-003.
- Proposed Floor Plan - drawing number 3072-001.
- Proposed Mobility Plan - drawing number 3072-001.
- Proposed Elevations - drawing number 3072-002.
- Building Section – drawing number 3072-002.

Which have been submitted as part of this appeal and should be read in-conjunction with this SoC.

1.3 The planning application was registered by the LPA on 7th January 2020 and was subsequently refused by the Local Planning Authority on 3rd March 2020 for the following reason:

1. *The proposed dwelling, by virtue of its siting and proximity to existing dwellings, would result in an incongruous, anomalous and over-intensive pattern of development that would result in an overtly cramped form of development that fails to respond positively to the inherent pattern of development that defines the character of the area.*

As such it is considered that the proposed development is contrary to Policy DMG1 of the Ribble Valley Core Strategy insofar that it would be of detriment to the character and visual amenities of the area.

2.0 The Appeal Site and Surroundings

- 2.1 The appeal proposal relates to a portion of the rear garden ground of 28 Calfcote Lane, Longridge, which is a detached true bungalow that has a gable fronted aspect to Calfcote Lane. The dwelling is single storey, constructed predominantly of red brick with white upvc and artificial stone cladding to the front elevation, with white upvc windows, having a tile pitched roof. Off street parking is provided by garaging with driveway access via Calfcote Lane.
- 2.2 The appeal property has generous external space, with a hard/ soft landscaped front garden and a generous rear garden area which is primarily soft landscaped also. A low level brick boundary wall defines the front garden boundary from the public footpath on Calfcote Lane. A 2m high wall provides a boundary to the west of the rear garden, this is a shared boundary with the neighbouring dwelling of 22 Brindle Close.
- 2.3 Dwellings in the locality are of a similar age and appearance, with the general vernacular being typified by detached/ semi detached bungalows, and a mix of true and dormer bungalow design. All properties have dual pitched roofs, with some dwellings having gable frontages, being constructed of red brick with mix of upvc, wood, render and stone cladding to front elevations, roofs are predominantly tiled.

3.0 Relevant Planning History

- 3.1 There is no planning history on the site relevant to the appeal proposal.

4.0 Policy Context

- 4.1 The statutory development plan for the Borough is the Ribble Valley Core Strategy (2008-2028) which was adopted in December 2014.
- 4.2 The appeal site is located within the defined urban area of Longridge, as per the adopted Proposals Map for Longridge (Inset 17), and has no other specific allocation within the development plan:



- 4.3 The following policy has been quoted by the LPA in the refusal reason and is therefore pertinent in assessment of the appeal proposal:

Ribble Valley Core Strategy (2008 – 2028):

Policy DMG1 – General Considerations.

This policy provides set criteria against which all planning applications are assessed against, covering matters relating to design, access, amenity, environment and infrastructure. The reason for refusal is specific to design only, and in that regard Policy DMG1 has 5 criteria that all development must adhere to:

1. Be of a high standard of design which considers the 8 building in context principles (from the CABE/ English Heritage Building in Context Toolkit).
2. Be sympathetic to existing and proposed land uses in terms of size, intensity and nature as well a scale, massing, style, features and building materials.
3. Consider the density, layout and relationship between buildings, which is of major importance. Particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character, as well as the effects of development on existing amenities.
4. Use sustainable construction techniques where possible and provide evidence that energy efficiency, as described within Policy DME5, has been incorporated into schemes where possible.
5. The Code for Sustainable Homes and Lifetime Homes, or any subsequent nationally recognised equivalent standards, should be incorporated into schemes.

- 4.4 The Planning Officer Delegated Report refers to other adopted policies of the Core Strategy, namely:

Key Statement DS1 – Development Strategy.

Key Statement DS2 – Sustainable Development.

Key Statement DMI2 – Transport Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMG3 – Transport & Mobility.

5.0 Assessment of the Appeal Proposal

- 5.1 The decision notice refers to a single reason of refusal, implicit to the layout of the proposal which is criticised by the LPA for *‘resulting in an overtly cramped form of development.... that would be detrimental to the character and visual amenity of the area’* and is therefore adjudged contrary to Policy DMG1 of the Ribble Valley Core Strategy (RVCS).
- 5.2 On this basis, with regard to the appeal proposal it is considered that the LPA has no other matters of concern, including those relative to the principle of development,

residential amenity or highway safety, and that the appeal proposal is considered acceptable in all other respects. Indeed, the Delegated Officers Report supports this assertion.

5.3 The remainder of this SoC considers the single reason for refusal.

5.4 Design - Matters of Common Ground

The Officers Delegated Report supports the scale of development proposed and given the omission of reference to appearance of the dwelling, it is contended that the LPA has no other objection relative to the scheme design. Such matters are assumed to be Common Ground between both parties.

5.5 Design - Matters of Dis-Agreement

The Refusal reason refers implicitly to the siting and layout of the development only. Policy DMG1 of the RVCS is referred to as the determining adopted policy by the LPA. The Visual Amenity/ External Appearance section of the Officers Delegated report provides further justification for the refusal reason, referring to the resultant cramped and over intensive pattern of development undermining the openness of Brindle Close, as overriding factors. Similar concerns were raised in objection to the planning application by both Longridge Town Council and local residents.

5.6 The appellant contends that the appeal proposal is not detrimental to the character and visual amenity of the area and is therefore in accordance with design criteria specified by Policy DMG1.

5.7 The proposal is located within the rear garden of 28 Calfcote Lane with the main street scene frontage for the development being located on Brindle Close. Brindle Close is a traditionally designed cul de sac of true bungalows, with all dwellings have a front facing aspect to the Close. Dwellings are set back from the Close behind front gardens, and side driveways provide a break in the built form. These features combine to give a sense of openness to the street scene that the development will sit within.

- 5.8 The appeal proposal has been designed to mirror that of existing dwellings on Brindle Close. It provides for a true bungalow typed dwelling with pitched roof, that incorporates a front facing aspect to the Close. It is sited on the plot to ensure that the build line of the property is a continuation of the existing build line of dwellings on Brindle Close.
- 5.9 The appellant refutes the LPA's assertion that the development is an overtly cramped form of development as referred to in the reason for refusal. The appeal proposal has been carefully designed to afford appropriate separation distances to neighbouring dwellings, ensuring that residential amenity is safeguarded and space about the new property is provided. The space between dwellings is formed by the proposed garden area within the scheme and retained back garden of 28 Calfcote Lane, as well as the side driveway of 22 Brindle Close. This design is consistent with the prescribed open character of Brindle Close.
- 5.10 Brindle Close is a Cul de sac that terminates abruptly with a 2m high brick wall and fence line, forming the rear garden boundary of the appeal site and neighbours. This existing boundary treatment is highly visible within views along Brindle Close and acts to reduce the sense of openness to Brindle Close whilst detracting from the visual quality of the street scene. The appeal proposal will require removal of a portion of this high boundary wall, being replaced by an open fronted dwelling, which would undoubtedly improve the street scene appearance and enhance the sense of space to the Close.
- 5.11 It is contended that the appeal proposal provides for a scheme design that reflects and enhances the character of Brindle Close and ensures that the existing openness of the Close is not compromised.
- 5.12 Other Matters of Relevance
- Longridge Town Council objected to the appeal proposal on grounds that it would *'set a precedent for planning permission to be granted through the existing hammer head turnings in cul de sac locations in Longridge'*. The precedence for similarly

located development is immaterial, though the Town Council can be assured that no precedence would be created since all development must be assessed against the Councils planning policies contained within the development plan. In addition, the appeal site is classified as brownfield land, importantly, it is located within the defined urban area of Longridge. The appeal proposal makes a contribution toward the Councils 5 year housing land supply and acts to reduce pressure for the development of greenfield sites beyond the settlement boundary. The LPA and Town Council should be actively encouraging the development of such locations for these reasons. Given the inherent consistency with the RVCS the NPPF is clear in that development consistent with those policies must be approved without delay.

- 5.13 Paragraph 5.3 of the Longridge Housing Needs Survey (February 2013) (Appendix A) identified a need for ground floor accommodation, as well as a requirement for the adaptation of existing dwellings to assist a disabled householders. It is recognised that this survey is several years old, but it is the most up to date resource publicly available from the Council. The appeal proposal has been designed to ensure that it is fully accessible, both internally and externally, by disabled occupiers, as illustrated on the Proposed Block Plan drawing number 3072-003. Upholding this appeal will therefore contribute toward meeting an important identified need within the Longridge Housing Needs Survey.
- 5.14 The permitted development rights of 28 Calfcote Lane are an important fall-back position. Whilst the fall-back position is not relevant to the land use of the appeal proposal, it is a demonstration of the scale of development that could be constructed within the rear garden of the appeal property without the requirement of planning consent.
- 5.15 Case law has established that permitted development as a fall-back position requires only for a realistic possibility of that development being built (*Mansell v Tonbridge and Malling Borough Council* (2017)) (Appendix B):

Para 27 (2) - The basic principle is that "... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice"

- 5.16 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 would enable a very similar detached structure up to 4m in height to be built within the rear garden of 28 Calfcote Lane. Schedule 2 Part 2 would also enable an additional access from Brindle Close to the rear garden area of the appeal site to be created without the need for planning consent. Such works could be sited within the rear garden and would have a much greater impact on the character of Brindle Close than the appeal proposal.

6.0 Conclusion

- 6.1 In conclusion, contrary to the LPA's decision notice, for the reasons outlined above the appellant contends that the appeal proposal would not be detrimental to the character and visual amenity of the area. In addition, the LPA and statutory consultees have not raised objection with regards to the principle of development in this location or any technical matters, such as residential amenity or highways.
- 6.2 The appeal proposal is in therefore in accordance with adopted Policy DMG1 of the adopted Ribble Valley Core Strategy (2008 – 2028)
- 6.3 Paragraphs 10 and 11 of the NPPF confirms that at the very heart of the Framework is the presumption in favour of sustainable development. Overall, it is clear that the proposed development satisfies the three dimensions of, and therefore, constitutes sustainable development in accordance with the NPPF. As such, the presumption in favour of sustainable development must be applied to the determination of the application and in terms of paragraph 11 of the NPPF the proposal should be approved without delay.

Appendix A:
Longridge Housing Needs Survey (February 2013)

Appendix B:

Court Judgement: Mansell v Tonbridge and Malling Borough Council (2017)