

Appeal Decision

Site visit made on 7 November 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 14th November 2016

Appeal Ref: APP/M2372/D/16/3155996

16 Falcon Close, Blackburn BB1 8LE

- 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 Irfan Surgeon against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/16/0390, dated 18 April 2016, was refused by notice dated 16 June 2016.
 - The development proposed is the demolition of the existing conservatory, and proposed ground and first floor extension to rear.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing conservatory, and proposed ground and first floor extension to rear at 16 Falcon Close, Blackburn BB1 8LE in accordance with the terms of the application, Ref 10/16/0390, dated 18 April 2016, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Dwg No 02; and Proposed Plans and Elevations Dwg No 01a.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues in the appeal are the effect of the proposed extension on:
 - the character and appearance of the host property; and
 - the living conditions of the occupiers of No 14 Falcon Close and No 14 Petrel Close with particular regard to outlook.

Reasons

Character and Appearance

3. The appeal property is a linked detached house situated at the head of a cul-de-sac. The proposed extension would be located at the rear of the property, and there would be no visibility of it from the public realm. The high coniferous
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hedging that exists round much of the rear garden would also limit views from any of the surrounding houses.

4. The extension would project around 5.9m from the rear elevation of the dwelling. Whilst this is a significant depth there would still be garden area both to the sides and rear, so the plot would not appear over-developed. Whilst the ground floor would extend the entire width of the current dwelling, the first floor would be set in approximately 1.5m from one side elevation. This, together with the fact that the ridge line of the extension would be considerably lower than the main house, would ensure that, despite its scale and mass, the extension would still be subordinate to the main dwelling. Moreover, given the very limited visibility of the extension, it would not appear an overly dominant or unsympathetic addition to the dwelling.
5. Therefore, I consider that the proposed extension would not have a detrimental impact on the character and appearance of the host property. As such there would be no conflict with Policy 11 of the *Blackburn with Darwen Local Plan Part 2 (adopted December 2015)* (BDLP) or with Policy RES E7 of the *Residential Design Guide Supplementary Planning Document (revised September 2012)* (SPD) which require that developments have a good standard of design that respects the wider context, and in particular, that the design of rear extensions is in keeping with, and subordinate to, the original house.

Living Conditions

6. The adjoining property has a rear conservatory, and a number of other windows on the rear elevation. The Council have confirmed that the proposed extension would meet the '45 degree rule' in regard to these windows. In addition, the outlook from these windows is already limited by the tall coniferous hedging along the common boundary, which would be retained. The extension would be no higher than this hedging, and so I am satisfied that the appeal scheme would not adversely impact the outlook of these windows. Nor would it have an overbearing impact on this property, despite its scale and mass.
7. To the other side of the property lie the rear gardens of dwellings on Petrel Close, which are located at a lower level than No 16. The Council have accepted that the separation distances between the proposal and these properties are acceptable. The windows in the rear elevation of No 14 Petrel Close face the side elevation of the appeal property, which would not be affected by the proposal. Views of the extension from this house would be limited by the tall, largely coniferous, boundary treatment between the appeal site and No 12 Petrel Close, which would also limit any views of it from this property. As such, I am not persuaded that the proposal would significantly alter the outlook from the windows of these properties on Petrel Close. Furthermore, as the first floor element is set back from the boundaries of these properties, the extension would not create an unneighbourly sense of enclosure to their rear gardens.
8. I note the concerns raised by the occupiers of No 14 Petrel Close concerning the potential loss of privacy from windows on the side elevation of the extension. However, the proposal was amended prior to the Council determining it, to ensure that the only first floor side facing window serves a bathroom and the plans indicate that this would be obscure glazed. Therefore,

I am satisfied that the proposal would not cause any additional overlooking of this property or its garden.

9. Consequently, I consider that the proposed extension would not unacceptably harm the living conditions of the occupiers of No 14 Falcon Close or No 14 Petrel Close. Accordingly, there would be no conflict with Policy 8 of the BDLP and Policy RES E7 of the SPD which require that developments, and rear extensions in particular, should ensure a satisfactory level of amenity for existing and future occupiers.

Conclusion and Conditions

10. For the reasons set out above, I conclude the appeal should be allowed.
11. Although the Council has not suggested that any conditions would be necessary in addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty. In the interests of the character and appearance of the area a condition is required to control the external appearance of the building.

Alison Partington

INSPECTOR