
Appeal Decision

Site visit made on 15 November 2016

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 21 November 2016

Appeal Ref: APP/M2372/D/16/3156894
256 Pleckgate Road, Blackburn BB1 8QW

- 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 Mrs Susan Jackson against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/16/0370, dated 3 April 2016, was refused by notice dated 1 June 2016.
 - The development proposed is to remove the existing roof and to form a new first floor and to replace the roof covering to match the original; to replace a flat roof over the front elevation with a single pitched roof, and to form a granny annex at the ground floor for an elderly parent.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the living conditions of the occupiers of No 252 Pleckgate Road in respect of light, privacy and outlook.

Reasons

3. The appeal property comprises a detached bungalow located within a predominantly residential area. The property is located on a busy road and is positioned between a two storey detached house on one side and a pair of two storey semi-detached commercial/residential properties on the other. It is proposed to increase the eaves height of the bungalow by about 1.7 metres to form a first floor and additional residential accommodation. In addition, the existing flat roof to the front elevation would be replaced with a pitched roof. The proposal also includes internal remodelling works to create a granny annex to part of the ground floor.
4. I have no reason to doubt the appellant's comment that the property was originally two storeys. Taking into account the scale of other surrounding properties, I am satisfied that the proposed external alterations to the building (including the first floor addition with a hipped roof) would not cause harm to the character and appearance of the area and that in this regard they would accord with relevant local and national planning policies. Therefore, the main issue relates to the effect of the proposal upon the living conditions of the occupiers of No 252 Pleckgate Road in respect of light, privacy and outlook.

5. The rear garden associated with residential use of No 252 Pleckgate Road is about ten metres from the proposed first floor windows of the appeal property. The appellant has commented that any impact from overlooking should be considered on the basis that it would be possible to erect a dormer window in the existing roof slope without the need for planning permission. The Council have not disputed this possibility, but, in any event, owing to the separation distances involved, I do not consider that the extent of overlooking of the garden area would be significant enough to warrant refusal of planning permission. I accept that there would be some impact, but it is not unusual for gardens to be overlooked to some extent, particular in the context of a more built up environment. I therefore conclude that the proposal would not result in a material loss of privacy for users of the garden at No 252 Pleckgate Road. In this regard, the proposal would accord with the amenity aims of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 2015 (LP).
6. The first floor extension would be built in very close proximity to the side elevation of No 252 Pleckgate Road. As part of my site visit, I was able to look inside this property and it was evident that the ground floor rooms to the rear of the shop contained habitable rooms including a sitting room and a dining room (the Council's photographs also show this). Apart from the small shop to the front of No 252 Pleckgate Road the rest of the building was being used as a dwelling house.
7. The ground floor habitable rooms each include a clear glass side window facing the appeal property (as distinct from the first floor side windows which are frosted and serve non-habitable rooms). Taking into account the increase in the eaves height of the appeal property, I consider that the proposal would have a significant enclosing impact when viewed from the ground floor side windows of No 252 Pleckgate Road and would lead to a material loss of light penetration into the aforementioned habitable rooms. I therefore conclude that the proposal would have a detrimental impact upon the living conditions of the occupiers of No 252 Pleckgate Road in respect of loss of light and outlook. Therefore, the proposal would not accord with the amenity aims of Policy 8 of the LP.

Other Matters

8. The Council asked me to assess the appeal proposal from No 258 Pleckgate Road as part of my site visit in order to consider (i) whether or not the side windows to such a property served habitable rooms and (ii) the impact of the proposal upon the rear garden. Given the separation distances involved, I do not consider that the proposal would have an unacceptable impact upon the garden area of No 258 Pleckgate Road in respect of outlook and privacy. The occupier of No 258 Pleckgate Road was unable to allow me access inside the property as part of my site visit. Consequently, it was not possible for me to determine whether or not the side windows to such a property served habitable rooms. However, I do note that the occupiers of this property have indicated that they have no objection to the proposal and, in any event, as the appeal is being dismissed for other reasons it has not been necessary for me to consider this matter any further.
9. I have considered the effect of the proposal upon the setting of the nearby listed buildings. Taking into account the scale, position and design of the

proposed development, I do not consider that the proposal would harm the setting of the heritage assets.

10. None of the other matters raised outweigh my conclusion on the main issue.

Conclusion

11. Whilst the proposal would result in some overlooking of the garden area to No 252 Pleckgate Road, I do not consider that it would result in a considerable loss of privacy. However, for the reasons outlined above the proposal would cause significant harm to the living conditions of the occupiers of No 252 Pleckgate Road in respect of a material loss of light and outlook. This is an overriding concern. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR