



Appeal Decision

Site visit made on 14 October 2019

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 28 October 2019

Appeal Ref: APP/Z2315/D/19/3236845
56 Leigh Park, Hapton, Burnley BB11 5PD

- 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 Jon Carey against the decision of Burnley Borough Council.
 - The application Ref HOU/2019/0370, dated 8 July 2019, was refused by notice dated 15 August 2019.
 - The development proposed is first floor balcony to front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for first floor balcony to front elevation at 56 Leigh Park, Hapton, Burnley BB11 5PD in accordance with the terms of the application, Ref HOU/2019/0370, dated 8 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, site plan and existing and proposed plans and elevations all set out on drawing title 'Proposed balcony to front of No. 56 Leigh Park, Hapton'.

Main Issue

2. The main issue is the effect of the proposed development on the character of the surrounding area.

Reasons

3. The appeal property is a large detached dwelling overlooking an area of public open space at the head of the Leigh Park cul-de-sac. Leigh Park is a modern residential development comprised of a number of short cul-de-sac streets of varying lengths accessed off a main estate road. No. 56 is located at the head of one of these and, in turn, at the end of a short shared drive.
4. Typically, properties along Leigh Park are situated behind short front gardens, giving the development an enclosed feel. However, the end of the cul-de-sac that the appeal site is located within departs from this prevailing character. Properties on the southern side of the street peel away from the roadside and turn to face westwards, over the area of public open space. Thus, the appeal property only comes into view at, and beyond the end of, the cul-de-sac when views back towards it are possible across the public open space. No.56, like its immediate neighbour, is therefore a recessive feature of the street. It is

neither prominent nor particularly typical of the prevailing layout across the Leigh Park development.

5. The proposed balcony would sit atop an existing ground floor bay window. Currently, that bay window has a pitched hipped roof which would be replaced by the balcony. Despite the bay window being sited on a larger projecting two storey peaked bay, the ground floor bay is largely hidden from view from the head of the cul-de-sac by a projecting double integral garage. The roof structure of the garage would partly obscure the proposed balcony, and would hide the most noticeable visual manifestation of the proposal; the replacement of the small area of pitched roof with the flat platform of the balcony.
6. The balcony would be a small structure atop the bay window. It would have a square plan form, like the bay window below, and although a visually lightweight structure, would nonetheless reflect the vertical and horizontal lines of the bay window. It would also do so in a manner faintly reflective of the more substantial squared two storey bays on other house types within the development, notably the neighbouring house at No. 54.
7. I accept that the balcony would be more clearly visible in views from the area of public open space. However, the lightweight physical and visual nature of the structure would be such that it would not be an incongruous feature at this end-of-row property.
8. The Council's refusal reason states that the proposal is contrary to Policy SP5 of Burnley's Local Plan (BLP), the proposal's design and siting resulting in an incongruous form of development detrimental to the character of the area. Although referencing BLP policy SP5, the officer report setting out the justification for the Council's decision assess the proposal against criteria of BLP policy HS5. Of the HS5 criteria, it is only in respect of criterion (b) that the Council finds fault.
9. However, for the reasons I have set out, I consider the scale, proportions and form of the proposed balcony to respect those of the ground floor bay window atop which it would be sited. I have no reason to doubt that high quality materials would not be used and they would, in any event, be visually lightweight materials that would retain views of the dwelling's buff-coloured stonework façade.
10. The Council have no objection to the proposal against BLP HS5(a) or (c) to (e) and, for the reasons I have set out, I find no conflict with BLP HS5(b). BLP policy HS5 cross-references BLP policy SP5, the latter of which states that the Council will seek high standards of design in all types of development. The Council do not explain which element or elements of BLP policy SP5 the proposal fails to accord with. However, the visually lightweight balcony structure would be of limited proportions and partly screened from views by existing elements of the host dwelling. The layout of the residential development at this point is such that No. 56 has a recessive position within the street scene and is not a prominent feature therein. I have no reason to suspect that the proposal would employ anything other than quality materials and I am satisfied that the proposal would not detract from the character of the host property or, as stated by the Council, the character of the surrounding area. There would be no conflict with BLP policy SP5.

Conditions

11. The Council has not suggested any conditions in the event that the appeal succeeds. Nonetheless, I have considered the matter of conditions in light of guidance and advice set out in the National Planning Policy Framework and Planning Practice Guidance.
12. As the works have not commenced, a time limit condition is reasonable in order to provide certainty and in the interests of good planning. So too, a plans condition, and I have therefore imposed conditions to this effect. Neither of these conditions should come as a surprise to either main party and I am satisfied that by attaching them neither party would be prejudiced.
13. The proposed balcony structure would be a visually lightweight structure. I am satisfied that the submitted plans and specifications set out on the initial application form provide sufficient detail of the proposed construction materials at a level commensurate to the proposal. I have not therefore attached a separate materials condition.

Conclusion

14. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR