The Planning Inspectorate

Appeal Decision

Site visit made on 17 February 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2020

Appeal Ref: APP/Z2315/W/19/3240802
14 Higham Road, Padiham BB12 9AP

- 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 Craig Parker against the decision of Burnley Borough Council.
- The application Ref FUL/2019/0191, dated 25 April 2019, was refused by notice dated 22 October 2019.
- The development proposed is a detached house with new access from Pennine Grove.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the development contained on the Council's decision notice in my formal decision, which more accurately describes the proposal and omits superfluous words.

Application for costs

3. An application for costs was made by Mr Craig Parker against Burnley Borough Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of nearby occupiers, with particular regard to outlook.

Reasons

5. The appeal site is located in a residential area comprising detached dwellings of various sizes and designs and set within maturely landscaped plots. The site is located in part of the rear curtilage of 14 Higham Road, which contains a lawn and various shrubs and bushes.

6. 26 Pennine Grove is a 2-storey, detached dwelling that is next door to No 14, but which is positioned a significant distance to the south, towards the A6068 Barrowford Road. The boundary between the two properties is marked by timber fencing and various trees and bushes, with a lightly wooded area next to the A6068.

7. The proposed development would entail the construction of a 4-bedroom detached house with a new vehicular access to Pennine Grove, next to the access to No 26. The access driveway would follow the boundary with No 26 as

far as the front elevation of that building. The proposed dwelling would be 1.5-storeys in height, with a pitched roof and an integral single-storey garage on its southwestern side. It would occupy a similar position and orientation relative to the A6068 as No 26.

8. Policy HS4 (housing developments) of the Burnley Local Plan 2018 (BLP), requires, amongst other things, that new housing developments provide for appropriate levels of privacy and outlook for existing adjacent residents. The policy specifies a separation distance of at least 15.0 metres in cases such as this, unless an alternative approach can be justified.

9. The position of the proposed dwelling to the northeast of No 26 means that it would be unlikely to significantly affect natural light, and the absence of windows in the southwestern elevation of the proposed building means that there would be no significant problems of overlooking or loss of privacy.

10. However, the design of No 26 is such that windows of habitable rooms would face directly towards the southwestern elevation of the proposed dwelling. The ground floor window at No 26 would be some 7.0 metres from the gable elevation of the integral garage, and some 10.5 metres from the main gable elevation of the proposed dwelling.

11. The garage would form an integral part of the proposed building, and notwithstanding its somewhat smaller size, the proposed separation distance to No 26 would be less than half the minimum distance specified in the development plan. Furthermore, the main gable elevation would still be some way short of the minimum separation distance specified by Policy HS4. In my view, the design, height, massing and position of the proposed dwelling would significantly reduce the outlook from the ground floor habitable room window at No 26.

12. I am not content that the replacement dwelling granted planning permission at 7 Higham Road is directly comparable to the appeal proposal, including in terms of the respective separation distances. In any event each proposal should be determined on its individual merits, with appropriate regard to the development plan and material considerations, which is what I have done in this case.

13. For these reasons the proposed development would adversely affect the living conditions of nearby occupiers, with particular regard to outlook. It would, therefore, conflict with Policy HS4 of the BLP, in this regard.

Other Matters

14. The proposed development was refused against officer recommendation. Elected Members reached a different planning judgement with regard to the harm the proposal would cause than their officer, which they are entitled to do. This matter has no bearing on my determination of this appeal.

Conclusion

15. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR