



Appeal Decision

Site visit made on 24 February 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/E2340/D/19/3242797

21 Sefton Street, Brierfield, Lancashire BB9 5BE

- 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 Shazia Shaheen against the decision of the Council of the Borough of Pendle.
 - The application Ref 19/0675/HHO, dated 2 September 2019, was refused by notice dated 21 October 2019
 - The development proposed is described as 'retrospective application for kitchen extension and conservatory'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The development has already been constructed. I have considered the appeal on the basis that planning permission is sought for the development that has already been carried out.

Main Issue

4. The main issue is the effect of the proposal upon the living conditions of the occupants of No. 19 Sefton Street with particular reference to light and outlook.

Reasons for the Recommendation

5. The appeal site is located on Sefton Street and comprises a two storey mid-terraced dwelling with a small yard to the rear where the development has been constructed. The surrounding area is characterised by its residential nature and, in the immediate vicinity, is made up of properties which retain a high level of consistency from the front elevation. From the rear, the elevations of these properties are more varied, with a range of different additions and extensions. Of particular note is that the neighbouring dwelling of No. 19 benefits from a single storey projection to the rear with a door and window on its side elevation, facing the appeal site.

6. The development has been constructed along the side boundary between the appeal site and No. 19. Although similar in height to the former kitchen present on site, it has extended the built form along the entirety of the boundary. As a result, from the rear yard of No. 19, and when entering or exiting this property by the rear entrance door, the development appears overbearing due to its scale and proximity.
7. As a result of the orientation of the site, the development is directly facing the window on the single storey projection to the rear of No. 19. It is acknowledged that, due to the former kitchen present on the appeal site, the outlook from this window was already somewhat diminished. However, the development has served to further erode the outlook from this location when looking in a south westerly direction. The additional built form experienced from this viewpoint results in a dominant and overbearing addition that creates an unacceptable change in the outlook.
8. Similarly, the development has a negative impact on the outlook from the principle ground floor window on the rear elevation of No. 19. When combined with the single storey projection to the rear of No. 19, the development results in the view from this window comprising a narrow corridor with development on either side. This restricts the outlook previously experienced from this location and serves to further exacerbate the sense of enclosure for the occupants of this dwelling.
9. For similar reasons it is considered that the proposal would result in an unacceptable loss of light at No. 19. The window along the rear elevation of No. 19 is a sizeable light source. As a result of the proposal it is immediately bounded by built form on either side, measuring the full height of the window and stretching out along the property boundary, serving to diminish the level of light experienced from this room. Likewise, the proposal has introduced a sizeable element of built form in close proximity directly opposite the smaller window on the single storey projection to the rear of No. 19, which will experience lower light levels as a result.
10. The Local Development Framework for Pendle Design Principles Supplementary Planning Document 2009 (the SPD) states that single-storey rear extensions located immediately adjacent to the party boundary are only acceptable where they would not create any unacceptable losses of light for neighbours, or overbearing impacts. It continues that where such extensions have depths greater than 4 metres, they will only be permitted if they do not breach the 45 degree rule. The parties are in agreement that the development has a depth of 5.9 metres and that it breaches the 45 degree rule with respect to No. 19.
11. For the reasons given above, I therefore conclude that the proposed development would cause harm to the living conditions of the occupiers of No. 19 Sefton Street with regard to light and outlook. Accordingly, it would fail to comply with Policy ENV2 of the Local Plan for Pendle Core Strategy 2011 – 2030, adopted December 2015 which requires a high standard of design. There would also be conflict with the SPD which seek to protect the amenity of neighbouring occupants.

Other matters

12. The appellant has stated that the proposal has been designed in a sensitive and appropriate manner that does not detract from the streetscene or surrounding character. This benefit of the development is acknowledged, however the matters raised in this instance do not attract sufficient weight in planning terms to override the harm that would arise as identified above.

13. Reference has been made to other examples of similar development in the surrounding area. There is a clear difference in respect of the development at No. 3 given the arrangement of the original rear off-shoots at No. 1 and No. 3. Full details of all the other extensions referred to have not been provided. While consistency in decision making is an important consideration, I must also consider the effect of the development on the living conditions of the neighbouring residents with regard to the adopted development plan and SPD. I have considered this appeal on its own site-specific circumstances and, in view of the degree of harm I have identified, the reference to other development nearby does not outweigh this.
14. The appellant has further stated that the properties originally had lengthy rear projections in the form of outhouses and toilets, however no further information in this respect has been provided. In any event, the appeal is decided on the basis of the current form and status of the property and such information does not outweigh the harm identified above.

Conclusion and Recommendation

15. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

K Taylor

INSPECTOR