



Appeal Decision

Site visit made on 17 March 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2020

Appeal Ref: APP/Z2315/D/19/3242488

3 Lansdowne Close, Burnley, Lancashire, BB11 2JP

- 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 Andy Ashworth against the decision of Burnley Council
 - The application Ref HOU/2019/0430, dated 13 August 2019, was refused by notice dated 10 October 2019.
 - The development proposed is described as "retrospective application for conservatory porch to rear of dwelling".
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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 Matter

1. 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

2. The main issues are the effect of the development on (i) the character and appearance of the dwelling and the surrounding area; and (ii) the living conditions of neighbouring residents at 1 Lansdowne Close with particular regard to privacy and outlook.

Reasons for the Recommendation

Character and appearance

3. The appeal site is located at the end of a row of terraced houses on the southern side of Lansdowne Close. It comprises a two storey dwelling which was previously extended to the rear to create additional bedrooms. The development that is the subject of this appeal relates to a further extension running alongside these bedrooms and connected to the rear elevation of the main property. This creates a corridor from the main property to the earlier extension and the back garden.

4. The surrounding area is characterised by its residential nature. The southern side of Lansdowne Close is primarily made up of terraced dwellings which, from the front elevation, vary slightly in design but retain a consistency in terms of architecture, size and character. However, the neighbouring property of No. 1 Lansdowne Close is a detached dwelling. This sits to the north such that its back garden abuts the side and rear of the appeal site.
5. The front façade of the appeal property remains unchanged by the development and there are limited viewpoints where this addition could be seen in conjunction with the neighbouring properties. Nevertheless, this extension represents an incongruous addition on account of its scale and design. The long, narrow and irregular shape of the development fails to respect the character and proportions of both the building and the prevailing settlement pattern in the immediate surrounds. Furthermore, when combined with the other extension it results in the property appearing disproportionately altered and extended in a discordant and piecemeal fashion that detracts from the original form of the dwelling.
6. Although the nature of a conservatory is such that a high level of glazing is present, the materials used in the construction of the development serve to further distinguish it from the remainder of the dwelling, such that it appears out of place. This is particularly prominent from the back garden of the appeal site where the uPVC rear elevation of the development appears as an awkward addition that is not complementary to the remainder of the property.
7. Views of the development are most prominent from Manchester Road where it appears as a long line of glazing that is in stark contrast to the more traditional nature and simple shapes of the properties on this road. While the nearby trees would screen views of the appeal site from Manchester Road, this is not a year-round solution and it remains that the nature of the development is not befitting of its surrounds when experienced from this location.
8. Accordingly, the proposal fails to respect the character and appearance of the host dwelling and the surrounding area. As such, it fails to comply with Policies HS5 and SP5 of Burnley's Local Plan(Adopted July 2018) which seek to ensure that development is of a high standard of design that respects both the host building and its setting.

Living conditions

9. The development is located directly beside the rear garden of No. 1 Lansdowne Close, where it stretches along the boundary. Due to both the height of the development and the difference in land levels between the two properties, it towers above the neighbouring rear garden.
10. The Council has raised concerns about the impact of the proposal on the privacy of the occupiers of No. 1 and the potential for overlooking. Due to the level of glazing at the development facing the rear garden of No. 1 this is a legitimate concern. However, as observed on site the lower half of the windows at the development have now been covered with a screening such that the views from these windows are obscured. This screening could be conditioned if planning permission were to be granted. As such, the development would not lead to adverse impacts on the privacy levels of the occupiers of No. 1.
11. Accordingly, the proposal does not have a significant detrimental impact on the living conditions of the occupiers of No. 1 Lansdowne Close with regards to loss of

privacy and overlooking. As such, it accords with Policies HS5 and SP5 of Burnley's Local Plan, July 2018 which seek to ensure a high standard of design that does not have a detrimental impact on the amenity of occupants of neighbouring properties.

Other considerations

12. The personal circumstances of the appellant are acknowledged, whereby the development would provide a safe, secure and dry access to the children's bedrooms at the rear of the dwelling. However, personal circumstances will seldom outweigh more general planning considerations and the matters raised in this instance do not attract sufficient weight in planning terms to override the harm that would arise.

Conclusion and Recommendation

13. Consequently, the proposal would not have a significant detrimental impact on the living conditions of the occupiers of No. 1 Lansdowne Close with regards to loss of privacy and overlooking. However, this lack of harm is a neutral consideration that does not outweigh the harm identified in relation to the character and appearance of the dwelling and the surrounding area. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

14. 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.

V Lucas

INSPECTOR