



Appeal Decision

Site Visit made on 22 June 2021

by Mr John Williamson (Inspector)

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021

Appeal Ref: APP/F2360/W/21/3268091

348 Station Road, Bamber Bridge, Preston PR5 6EJ

- 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 Imtiaz Patel against the decision of South Ribble Borough Council.
 - The application Ref 07/2020/00997/COU, dated 21 November 2020, was refused by notice dated 27 January 2021.
 - The development proposed is described as: change of use of the first floor of 348 Station Road Bamber Bridge from a printers Class B1 to a 3-bedroom apartment with changes to the windows and addition of a roller shutter door.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use of the first floor from a printers Class B1 to a 3-bedroom apartment with changes to the windows and addition of a roller shutter door, at 348 Station Road, Bamber Bridge, Preston PR5 6EJ, in accordance with the details of the application and subject to the attached Schedule of Conditions.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of existing neighbouring properties, with particular regard to overlooking/privacy.

Reasons

3. The appeal site comprises a two-storey, end of terrace building that was last in use as a design/print business. The site is located on the western side of Station Road, a distributor road that runs through the centre of Bamber Bridge. The road has a mix of commercial and residential buildings either side of it, and the area is generally characterised by a mix of such uses.
4. Number 361 is located directly opposite the appeal building, a two-storey building with a third storey in the roof, which I understand to be in residential use. There is gap of around a 3.5 m between the broadly northern facing side elevation of the appeal property and number 346 Station Road, which is in commercial use on the ground floor and residential use on the first floor. The rear of the site faces the rear of residential properties, and their rear gardens, located on West View, and the terrace which the appeal building forms part of is mainly residential.
5. I appreciate that the guidance in the Council's Residential Extensions Supplementary Planning Document 2013, (SPD), recommends a minimum of

21 m to be maintained between proposed habitable room windows and existing habitable room windows of neighbouring properties. However, the SPD states that this recommendation is "*in general*". As such, the SPD recognises that there may be instances where not achieving this recommended distance would be acceptable. I consider the circumstances of this appeal to be such an instance. Thus, the distance between the properties either side of Station Road, which is less than 21 m, is historical; additionally, the proposal relates to conversion of an existing building. Furthermore, the SPD is guidance and not Policy. Policy G17 of the South Ribble Local Plan 2015, (LP), is worded broadly, ie new development is supported providing, among other things, it does not cause harm to neighbouring properties due to overlooking.

6. Therefore, given the existing context and character of the street, ie where commercial and residential uses exist opposite each other at less than 21 m apart, I am of the opinion that the proposed development would not unduly harm the living conditions of the existing occupiers of the neighbouring property No. 361 Station Road, due to overlooking.
7. The southern facing side elevation of No. 346 has a window at first floor level which I understand serves a habitable room (bedroom) in the residential accommodation. The proposed alterations to window openings would result in there being 2 windows on the north-eastern facing side elevation of the proposal that would serve an open plan living/kitchen/dining area. Although neither of the proposed windows would be directly opposite the bedroom window of No 346, as there would only be around 3.5 m between the windows it would be possible for some overlooking to occur. However, as the proposed windows in the side elevation are not the only windows serving the open plan room (ie there are 2 more windows, one located on the front of the property and one located on the rear), the harm that could result from overlooking could be overcome by attaching a condition to the approval to require the side windows to be obscure glazed.
8. Finally, I consider that the dwellings to the rear of the site, on West View, and their rear gardens, would be a sufficient distance from the altered fenestration arrangements proposed on the rear elevation for the proposal not to cause harm to the living conditions of existing occupiers of these properties.
9. Considering the above, I conclude that the proposal would not, subject to appropriate conditions, lead to overlooking of any existing neighbouring properties to an extent that would be harmful to the living conditions of existing occupiers in respect of privacy. As such, the proposal accords with Policy G17 of the LP. I Note that the Council refers to Policy B1 of the LP in its statement. Although Policy B1 is not referred to in the Council's decision notice, as it seeks to protect the living conditions of occupiers of existing neighbouring properties, similar to Policy G17, the proposal would also accord with Policy B1 of the LP.

Other Matters

10. The occupiers of the residential accommodation above No. 346 point out that the existing ventilation units on the north-eastern facing side elevation of the appeal building are not shown on the proposed drawings, and therefore they assume these are to be removed. However, the ventilation units are also not shown on the existing plans. Therefore, I do not think the assumption that they are to be removed can be made. Should they be retained and used, for

example in connection with the retained commercial premises on the ground floor, I consider that there is the likelihood of unacceptable noise disturbance from the ventilation units with regard to the bedroom window opposite. However, a suitable condition can be attached to overcome this harm.

11. The occupiers of No. 346 also raise concerns regarding potential noise and smells emanating from the living/kitchen/dining area, and therefore request that any extraction unit is not fitted to the side elevation of the appeal building. However, should an extraction unit be fitted which was of a nature and size that required planning permission, it would be the responsibility of the Council to determine its suitability. I therefore consider it unnecessary and unreasonable to attach such a condition.
12. Concerns have also been raised in relation to the effect on the living conditions of existing occupiers of the proposed roller shutter door, refuse storage at the site and the future use of the ground floor. I consider the proposed roller shutter door would not result in noise and disturbance that would harm the living conditions of existing occupiers. Regarding refuse storage and collection, a condition can be attached to ensure that suitable arrangements are in place to protect the living conditions of the existing occupiers of No. 346 and the accommodation above it. With respect to the future use of the ground floor, regardless of any speculation, as noted above I understand the current use to be a design & printers. Should the ground floor be used in a manner not consistent with its existing lawful use, an application would have to be made to the Council, which would assess the suitability of any such proposal.
13. Concerns have also been expressed about neighbour notifications of the planning application. The Council has confirmed in its statement that neighbour notification letters were sent to all necessary neighbouring properties, and neighbours have been informed about the appeal. As such, I have no grounds for concluding that the Council has not satisfied its responsibilities in this regard.

Conditions

14. I have attached a condition specifying the approved plans, for the avoidance of doubt. I have attached conditions relating to obscure glazing of windows, ventilation units, refuse storage and collection, and hours of site clearance, deliveries and construction works in the interests of the living conditions of occupiers of nearby neighbouring properties.

Conclusion

15. For the reasons outlined above, I conclude that the appeal is allowed.

J Williamson

INSPECTOR

Schedule of 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: 1755-SK01 and 1755-SK02.
- 3) All site preparation, construction works, deliveries to the site and removal of construction waste from the site shall be undertaken only between the hours of 0800–1800 Monday to Friday and 0900–1300 on Saturday.
- 4) Prior to the development hereby approved being first occupied, the 2 windows in the first floor of the north eastern facing side elevation shall be obscure glazed. These windows shall be retained with obscure glazing throughout the lifetime of the development.
- 5) Prior to the development hereby approved being first occupied, details of the existing ventilation units on the north-eastern facing side elevation, eg whether they are to be retained or removed, and if they are to be retained the hours of their operation, shall first have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being first occupied and retained as such for the lifetime of the development.
- 6) Prior to the development hereby approved being first occupied, details of refuse storage and collection shall first have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and available for use prior to the development being first occupied and retained as such for the lifetime of the development.

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