



Appeal Decision

Site Visit made on 10 August 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2021

Appeal Ref: APP/Z2315/D/21/3276241

429 Cog Lane, Burnley BB11 5HR

- 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 Adam & Jane Whittaker against the decision of Burnley Borough Council.
 - The application Ref HOU/2020/0455, dated 6 October 2020, was refused by notice dated 10 March 2021.
 - The development proposed is described as 'Demolition of single-storey rear conservatory. Replacement with single storey rear extension including roof terrace accessed from adjusted first floor window.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of the occupants of 431 Cog Lane with particular regard to outlook and sunlight.

Reasons

Character and Appearance

3. The appeal property is a semi-detached dwelling in an area of predominantly semi-detached dwellings. The dwelling is located on a corner at the junction of Cog Lane with Plane Tree Close from which the side and rear elevations of the dwelling are visible. The dwelling has a partially hipped roof with a distinctive gable feature above a two storey bay to the front. It has been extended with a two storey extension to the side which projects out to the rear forming a gable and a conservatory which partially wraps around the gable, predominantly extending out from the main rear elevation. Boundaries to the rear garden are formed by a high timber panel fence which extends to the pavement edge along the boundary with Plane Tree Close.
4. Extensions are a feature of the area with a number of the surrounding dwellings having been extended in some way. These are predominantly to the rear and side elevations, typically with lean-to or gabled roofs. The adjoining dwelling, No 431, has been extended to the rear at single storey level with a lean-to roof.
5. It is proposed to replace the existing conservatory with a new flat roofed extension that would project out for the full width of the rear elevation, wrapping around the rear gabled extension. A low parapet with a glazed

balustrade above would demarcate the edge of a large roof terrace that would be provided above the extension. The upper limit of the balustrade would extend to a point roughly midway along the height of the first floor windows whilst the parapet would be somewhat lower but still significantly higher than the highest point of the existing conservatory roof. This would give the extension a bulky appearance with a roof form that is not present on the existing dwelling or characteristic of the surrounding area.

6. Due to the position of the dwelling, the extension would be highly prominent on the approach towards the junction along Plane Tree Close from which it would appear as an incongruous addition to the streetscene. In these views, the 1.8 metre high parapet wall proposed along the edge of the terrace closest to No 431 would also be easily visible, extending along the boundary for a distance of greater than 5 metres. The bulky appearance of this element combined with its considerable height would exacerbate the harm of the proposal in these views contributing to an overall discordant appearance that would be at odds with the character and appearance of the surrounding area.
7. Whilst I have had regard to the presence of the two storey side extension that the appellant has advised has unbalanced the front elevation, its presence does not justify the provision of a large and bulky flat roof addition to the rear of the dwelling. I also appreciate that the conservatory may be approaching the end of its design life, however I am not convinced that the appeal proposal is the only means of ensuring a suitable replacement.
8. For the above reasons, the proposal would be significantly harmful to the character and appearance of the surrounding area and would therefore be contrary to Policies SP5 and HS5 of the Burnley Local Plan (2018) which, amongst other things, seek to preserve character and appearance.

Living Conditions

9. The proposed provision of the wall to near eaves height for the full length of the boundary of the extension with No 431 would appear oppressive in views from the garden of that property. This is despite the presence of the extension at No 431 projecting partway along the length of the extension at single storey level. The proposal would therefore contribute to an undue sense of enclosure that would be experienced by the occupants of No 431, which at present has a reasonably open level of outlook.
10. I accept that there may be some reduction in evening sunlight to the first floor window of No 431 that is positioned closest to the boundary with the appeal property. However, this would not be significant, and in isolation this would have a relatively limited effect on the living conditions of the occupants of No 431. Whilst there may be a minor effect on daylight levels due to the orientation of the windows and the proposed extension, as with the effect on sunlight, this would not be significant due to the size and position of the extension relative to the neighbouring windows and the path of the sun.
11. I note that the effect on the privacy of the occupants of No 431 is not in dispute between the parties. However, the Council refer to the effect of overlooking of properties on Plane Tree Close in the report, although this is not included in the reasons for refusal. Given the degree of separation between these dwellings, intervening boundary treatments and their orientation, I am

satisfied that the proposal would not result in an unacceptable level of overlooking of these properties.

12. For the above reasons, the proposal would result in significant harm to the living conditions of the occupiers of No 431 and would therefore be contrary to Policies SP5 and HS5 of the Burnley Local Plan (2018) which, amongst other things, seek to provide high quality design which preserves living conditions.

Other Matters

13. I note that the appellant and the Council have worked together to try to secure an acceptable proposal and that a number of amended plans have been provided by the appellant. However, I am required to base my decision on the scheme before me, which on the basis of the above, I have found would be harmful to character and appearance and living conditions.
14. I have had regard to the number of different examples of approvals referred to by the appellant, however I have not been provided with the precise details of these or the circumstances that led to them being approved, such as pre-existing development or extant permissions. I therefore cannot be sure that they represent a direct parallel with the appeal scheme. Nonetheless I have assessed the appeal on its own merits.

Conclusion

15. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR