The Planning Inspectorate

Appeal Decision

Site visit made on 22 November 2021

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date:14 DECEMBER 2021

Appeal Ref: APP/Z2315/D/21/3281887
56 Kiddrow Lane, Burnley, Lancashire BB12 6LH

- 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 Stephen Halstead against the decision of Burnley Borough Council.
- The application Ref HOU/2021/0281, dated 6 May 2021, was refused by notice dated 7 July 2021.
- The development proposed is a two storey side extension.

Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 56 Kiddrow Lane, Burnley, Lancashire BB12 6LH, in accordance with the terms of application Ref. HOU/2021/0281 , dated 6 May 2021, subject to the following 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:

    21004-LP Site Location Plan (dated 06.05.21)

    21004-BP Block Plan (dated 06.05.21)

    21004-02 Proposed Plans and Elevations (dated 06.05.21)

    3) The materials to be used in the construction of the external surfaces of extension hereby permitted shall match those used in the existing building.

    4) Before the extension hereby permitted is substantially complete, refuse and recycling storage shall be provided in accordance with details first submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage shall be retained and shall be available for use at all times thereafter.

Main Issues

2. The main issues in this case are as follows:
   - The effect of the proposed extension on the character and appearance of the host dwelling and the street scene within which it sits;
   - Its effect in terms of refuse storage and car parking; and
   - Its effect on the living conditions of the occupiers of No. 58 Kiddrow Lane with particular regards to outlook and access to natural light.

Reasons

Character and appearance

3. The appeal relates to traditional semi-detached dwelling which sits within a row of similar properties. The attached house, No. 54 Kiddrow Lane, has a substantial two storey side extension with a hipped roof which is not set down from the main ridge and a front elevation that is not set back from the main front elevation. I understand from the Appellant that this development benefits from planning permission and this is not disputed by the Council.

4. The proposed extension would be set in from the main front elevation of the host dwelling at first floor level whilst the ridge of its hipped roof, which would match the profile of the host dwelling, would be lower than the main ridge. These design elements comply with the Council's design guidance and they would ensure the extension appeared submissive and allowed the form of the original dwelling to be understood.

5. Give the presence of the large two storey extension at No. 54, I am satisfied that the proposed extension would not imbalance this pair of semi-detached dwellings; in fact the effect would be quite the opposite. Whilst I note that the extension would sit directly on the boundary with No. 58 Kiddrow Lane and would occupy all of the space at the side of the host dwelling, sufficient separation would remain to avoid a terracing effect.

6. For the above reasons, I am satisfied that the proposed extension would not harm the character and appearance of the host dwelling or its setting. In such terms, there would be no conflict with the overall aims of policies HS5 and SP5 of Burnley's Local Plan (LP), which require domestic extensions to be of a high quality design, to respect the architectural characteristics, scale and detailing of the host building and to respect its setting.

Refuse storage and car parking

7. As the proposed extension would sit directly on the boundary with the adjacent property, No. 58 Kiddrow Lane, refuse and recycling bins would either have to be brought through the house to the roadside on collection day or they would have to be stored within the forecourt. The Council asserts that the latter would be visually unacceptable and it could reduce the amount of off-street parking available at the property.

8. To my mind, a suitably designed refuse and recycling store could be introduced to the front of the property in order to ensure that the bins were stored in a visually acceptable manner. This could be secured by a suitably worded planning condition. Given the generous size of the frontage of the property and in the absence of any evidence to the contrary, I am satisfied that a suitably

sized store need not impede the three private car parking spaces shown on the layout plan.

9. On this basis, I am satisfied that adequate refuse and recycling storage could be provided in a visually acceptable way without compromising an appropriate level of private car parking provision. In such terms, I find no conflict with policies SP5, HS5 and IC3 of the LP which collectively promote design which avoids unnecessary clutter and provides adequate parking.

Living conditions of the occupiers of No. 58 Kiddrow Lane

10. With the exception of the modest front recess at first floor level, the proposed two storey extension would run along the full depth of the appeal property and as explained, it would run along the boundary with the adjacent property, No. 58 Kiddrow Lane.

11. This adjacent property has several windows to the side elevation. The Council has suggested that a separation distance of 15 metres should be maintained where windows of habitable rooms face a blank gable or wall. However, there is currently nowhere near 15 metres between the side elevation of the host dwelling and the side elevation of No. 58. Furthermore, the Appellant has provided details of the layout of this adjacent dwelling which shows that the windows on the side elevation serve a landing, bathroom, hallway and kitchen and they are not the primary windows to habitable rooms.

12. For these reasons, and given that the proposed extension would not project beyond the main rear elevation of No. 58 Kiddrow Lane, I am satisfied that it would not unduly harm the outlook from this neighbouring property or unacceptably reduce the levels of natural light available to it. In this respect, I find no conflict with policies HS5 an SP5 of the LP in so far as they seek to safeguard appropriate standards of residential amenity.

Overall Conclusions

13. I conclude that the proposed two storey extension would not harm the character and appearance of the host dwelling or its setting, adequate refuse and recycling storage could be provided without compromising on-site car parking provision and it would not unacceptably harm the outlook and levels of natural light at No. 58 Kiddrow Lane. In such terms, I find no conflict with the development plan policies outlined above.

Conditions

14. In addition to the standard conditions which limit the lifespan of the planning permission and direct that development takes place in accordance with the approved plans, the Council has suggested one condition in the event the appeal succeeds. I agree that the external finishing materials of the extension should match those of the host dwelling in order to ensure a visually acceptable development.

15. In allowing the appeal, I shall impose these conditions.

David Fitzsimon INSPECTOR