



Appeal Decision

Site visit made on 21 February 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/Z2315/D/21/3287258

93, Morse Street, Burnley, BB10 4LS

- 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 N Mclelland against the decision of Burnley Borough Council.
 - The application Ref HOU/2021/0316, dated 1 June 2021, was refused by notice dated 27 August 2021.
 - The development proposed is erection of a two-storey side extension and single storey rear extension at 93 Morse Street Burnley.
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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.

Main Issue

3. The main issue is the effect of the proposal on living conditions of the occupiers of 95 Morse Street with particular regard to daylight and outlook.

Reasons for the Recommendation

4. The appeal property is a semi-detached dwelling in a residential area, set back from the road in an area characterised by a mix of housing types.
5. The neighbouring property, No 95 Morse Street, is separated from the appeal property by their driveways. No 95 has a number of habitable room windows at both ground floor and first floor facing the appeal property.
6. Policy HS4 of Burnley's Local Plan (2018) states that where windows of a habitable room face a blank gable the separation distance should be 15 metres. In this case it is acknowledged that the separation distance between the habitable window and the existing dwelling does not currently meet the guidance in the Local Plan due to the layout, orientation and close proximity of the dwellings. It is therefore clear that the appeal proposal would not meet the guidance.
7. The proposal would reduce the distance between the host property and the neighbouring property to approximately 3.7 metres. From the evidence before me it appears that both the ground floor and first floor side windows of No 95 Morse Street are the sole windows serving habitable rooms, described as a kitchen and bedroom. The proposed extension would be situated to the north of No 95 which would limit the impact of the extension on the sunlight received to those rooms.

Indeed, the light impact analysis appears to indicate that the first-floor bedroom window light levels would not be unduly limited. The ground floor window does not appear to be shown on the analysis; however, due to the very close proximity of the proposed extension, I consider that there would clearly be an overall reduction in diffuse light to the ground floor kitchen window.

8. In addition, the extension would encroach over a significant proportion of the driveway and would be visually prominent from within No 95. I have had regard to the Outlook Impact Analysis and acknowledge that the outlook from the kitchen and bedroom is currently limited by the side elevation of No 93. Nevertheless, occupiers have a view of the sky over the existing single storey extension. The extension would be situated in very close proximity to those windows at a height of two storeys and would significantly reduce the existing outlook of occupiers who would be faced with a two-storey, largely blank elevation in very close proximity to their windows. At only 3.7m away, a distance significantly short of the minimum requirement of the Local Plan, the extension would have an overbearing, enclosing effect that would make the rooms less pleasant places to be. Whilst I accept that the removal of a habitable window from the appeal property would improve the privacy for the neighbouring occupiers, this would not overcome my concerns regarding outlook. Accordingly, the proposal would have an adverse impact on the occupier's living conditions.
9. I conclude that the proposed extension would harm the living conditions of the occupiers of No 95 Morse Street with particular regard to daylight and outlook. It would, therefore, conflict with policies HS4, HS5 and SP5 of Burnley's Local Plan which together, amongst other things, seek to ensure that extensions would not have a detrimental impact on the living conditions of occupants of neighbouring properties. It would also conflict with the National Planning Policy Framework.

Other Matter

10. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.

Conclusion and Recommendation

11. The proposed development conflicts with the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Caroline Mulloy

INSPECTOR