



Appeal Decision

Site visit made on 8 March 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST March 2022

Appeal Ref: APP/D2320/D/21/3287572

12 Langton Close, Ecclestone, Chorley PR7 5UU

- 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 Mrs Adele Headley against the decision of Chorley Borough Council.
 - The application Ref 21/00281/FULHH dated 09 March 2021, was refused by notice dated 11 November 2021.
 - The development proposed is described as Alterations to existing detached garage including increasing height of walls, raising of ridge height, extension to front and conversion to habitable accommodation, single storey front extension, single storey rear extension with balcony above, and associated external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for Alterations to existing detached garage including increasing height of walls, raising of ridge height, extension to front and conversion to habitable accommodation, single storey front extension, single storey rear extension with balcony above, and associated external alterations at 12 Langton Close, Ecclestone, Chorley PR7 5UU in accordance with the terms of the application, Ref 21/00281/FULHH dated 09 March 2021, and the plans submitted with it, subject to conditions set out below.

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan, Drawing No: DPB/DEH/20/07: Proposed Layout of Parking Areas, DPB/DEH/20/20: Proposed Elevations & Balcony Floor Plan, DPB/DEH/20/16: Existing & Proposed Footprint of Property, DPB/DEH/20/04: Proposed Elevations and DPB/DEH/20/06 Rev A: Proposed Ground Floor Layout.

(3) All external facing materials of the development hereby permitted shall match in colour, form and texture to those specified on the application form unless alternatives are first submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(4) Before the balcony hereby approved is first brought into use the 1.5m high obscurely glazed privacy screen as shown on the plan reference DPB/DEH/20/20 shall be installed on the south facing elevation of the balcony,

and 1.10m high obscurely glazed privacy screens as shown on plan reference DPB/DEH/20/20 shall be installed to the west and north facing elevations. The obscurely glazed privacy screens shall be to at least Level 5 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the Local Planning Authority and shall be retained at all times thereafter.

Procedural Matters

2. The Council altered the description of development, this is also the description used by the Appellant on the appeal form. I have adopted the amended description in the heading above rather than the Appellants application form description of development.
3. Amended plans were considered by the Council prior to the determination of the planning application. I have therefore considered this appeal on the basis of the plans submitted: Location Plan, Site Plan, Drawing No: DPB/DEH/20/07: Proposed Layout of Parking Areas, DPB/DEH/20/20: Proposed Elevations & Balcony Floor Plan, DPB/DEH/20/16: Existing & Proposed Footprint of Property, DPB/EH/20/04: Proposed Elevations and DPB/EH/20/06 Rev A: Proposed Ground Floor Layout.
4. The Council have confirmed that there are discrepancies between the existing and proposed plans in terms of extent of the existing built form. The existing built form and its relationship with the surrounding area are clear to see on site and from within the neighbouring property's rear garden, No. 11 Langton Close as I observed during my site visit. This does not materially affect the main issue in this case nor the built form of the proposed development which is clear from the plans supplied. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of these discrepancies.

Main Issue

5. The main issue in this appeal is the effect the proposed single storey rear extension with balcony would have on the living conditions of the occupiers of the neighbouring property, No. 11 Langton Close.
6. The Council considered the effect of the other elements of the proposed development during the determination of the application and raised no other concerns, from the information I have before me I do not disagree.

Reasons

7. The appeal site is a detached property located within a predominately residential area at the head of a cul-de-sac. The existing property projects at two storey back into the plot beyond that of the adjacent property. A small single storey outrigger extends beyond the two storey projection. A balcony exists to the rear of the property above the single storey outrigger which has unrestricted views across the majority of the private amenity space of the No. 11 Langton Close and back towards the rear windows of the neighbouring property.
8. No. 11 Langton Close has a mono pitch single storey extension to the rear of the property with large windows/patio doors facing into the garden. The proposed single storey extension with balcony would extend further into the rear garden from the rear of the existing two storey built form.

9. The Chorley Council Householder Design Guidance Supplementary Planning Document (2017) (the SPD) contains guidance in relation to proposals for extending and altering residential properties. The SPD includes a 45-degree guideline for assessing single and two storey developments.
10. The existing two storey projection breaches the 45-degree line, when taken from a first floor window serving a habitable room in the adjacent property, No. 11. The enlargement of a balcony area would also breach the 45-degree line; however, the built form of the proposed balcony comprises glazed privacy screens rather than the bulky form of a two storey extension. On this basis whilst there is a breach of the 45-degree line I give this limited weight in relation to the proposed balcony.
11. According to the submitted plans, the single storey extension would not breach the 45-degree line taken from the closest rear ground floor window in the extension to No. 11. The proposed development would sit comfortably in relation to the neighbouring property and would not be overbearing nor dominant.
12. Whilst the proposed extension would accommodate a larger balcony area, a 1.5m high obscurely glazed privacy screen is proposed which would screen to a degree views towards the adjacent neighbouring property. Given the current unrestricted views I find that the balcony would not exacerbate the existing situation and there would not be any additional loss of privacy to the occupiers of No. 11.
13. I conclude that the proposed development would not harm the living conditions of the occupiers of the neighbouring property, No. 11 Langton Close.
14. There is no conflict with Policy HS5 of the Chorley Local Plan 2012-2026, Site Allocations and Development Management Policies Development Plan Document (2015) which seeks to protect the living conditions of neighbouring properties. There is no conflict with the SPD which seeks to ensure developments are not dominant nor lead to an unacceptable level of overlooking.
15. There is also no conflict with the National Planning Policy Framework (2021) which seeks to ensure developments maintain a high standard of amenity for existing and future users.

Other Matters

16. A number of objections have been submitted against the proposal, relating to amongst other matters the effect on neighbouring residential properties, vehicle movements and access, safety of children etc. These concerns were considered by the Council in the Committee Report, the Council did not have concerns relating to these issues and based on the information I have before me I do not disagree.

Conclusion and Conditions

17. For the above reasons I conclude that this appeal should be allowed.
18. I have imposed a standard condition relating to the commencement of development and a condition specifying the relevant plans as this provides certainty.

19. In order to safeguard the character and appearance of the area I have imposed a condition concerning materials. In the interests of protecting the living conditions of the occupants of the neighbouring property I have imposed a condition requiring privacy screening to be install on the balcony.

C Pipe

INSPECTOR