



Appeal Decision

Site visit made on 11 July 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2022

Appeal Ref: APP/Z2315/D/22/3295880

12 Oakeneaves Avenue, Burnley, Lancashire BB11 5HH

- 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 Elizabeth Jones against the decision of Burnley Borough Council.
 - The application Ref HOU/2021/0743, dated 1 December 2021, was refused by notice dated 2 February 2022.
 - The development proposed is the demolition of existing garage, erection of single storey extension to side and rear and new detached garage”.
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Decision

1. The appeal is allowed, and planning permission is granted for the proposed demolition of existing garage, erection of single storey extension to side and rear and new detached garage at 12 Oakeneaves Avenue, Burnley, Lancashire BB11 5HH in accordance with the terms of the application, Ref HOU/2021/0743, dated 1 December 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: O.A 12/1; O.A 12/2; O.A 12/3; O.A 12/4
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing host dwelling.

Preliminary Matter

2. The appellant refers to various postcodes on their application form which differ from that used by the Council in their decision notice. The postcode used by the Council more accurately reflects the location of the appeal site and so I have used it in the banner and decision above.

Main Issues

3. The main issues are the effects of the proposed development on:
 - the character and appearance of the host property and the surrounding area; and
 - the living conditions of the occupiers of 10 Oakeneaves Avenue (No.10) with regard to outlook.

Reasons

Character and Appearance

4. The appeal property is a semi-detached bungalow located on a corner plot on Oakeneaves Avenue. The plot is substantially larger than most of the others in the avenue, although it is narrow to the front it widens towards the rear. The surrounding area is generally characterised by semi-detached houses and bungalows set back from the highway by short front gardens and driveways.
5. The proposal would involve an extension to the side and rear of the dwelling and a replacement detached garage within the back garden area. The extension to the side would be set back from the front elevation of the appeal property by approximately half the depth of the dwelling. Also, the proposed new garage would be well away from the street.
6. The proposed extension would have a fairly large footprint in relation to the existing property but, the resulting dwelling would not be excessively large in comparison to the size of the plot. Also, the extension would not be visible in the street from the west due to the generous set back from the front of the existing house. From the south, when viewed head on, the development would appear proportionate and subservient to the existing house due to its fairly narrow width and its lower height compared to the existing ridge.
7. The proposal would inevitably unbalance the pair of properties. However, the extension would not be widely appreciable due to its set back position. As such any imbalance would not be readily apparent and would cause no detriment to the street scene.
8. For these reasons, I conclude that the development would not harm the character and appearance of the host dwelling or the surrounding area. Accordingly, it would comply with Policy SP5 of the Burnley Local Plan (2018) (LP) which, amongst other things, seeks high standards of design with developments that respect their settings. The proposal would also not conflict with the aims of paragraph 124 of the National Planning Policy Framework (the 'Framework') in this respect.

Living Conditions

9. No.10 has a window close to the boundary with the appeal site. A high solid fence with trellis top sits between the two. Beyond the length of the proposed extension the outlook from the rear is generally open with views towards houses on Rossendale Road. The plans show the side wall of the proposed extension would be inset from the boundary by approximately 1.6m.
10. The pitched roof of the proposed extension would be lower than the ridge height of the main dwelling and it would slope up and away from the boundary. The rear extension would project out a significant distance beyond the rear wall of No.10 and its roof would be visible above the boundary fence. Even so, the inset from the boundary and its single storey height would mean that the proposal would not be unacceptably overbearing on the neighbouring residents.
11. Therefore, I conclude that the proposal would not unduly harm the living conditions of the occupiers of No.10 with regards to outlook. In this respect, there would be no conflict with LP Policies SP5 and HS5 insofar as they seek to safeguard appropriate standards of residential amenity.

Conditions

12. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans and a condition that requires the external materials to match the existing dwelling. These conditions are required for clarity and to protect the character and appearance of the host building and wider area.
13. The Council has suggested a condition be attached to the permission that requires an electrical supply in the garage for charging an electric vehicle. I have considered this condition in light of the Framework and do not consider that it would pass the test of necessity as there may be other means of providing electric car charging facilities at the property.

Conclusion

14. For the reasons given above, I find that the proposal would accord with the development plan as a whole. Therefore, I conclude the appeal should be allowed.

KL Robbie

INSPECTOR