
Appeal Decision

Site visit made on 6 September 2022

by S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 27th September 2022

Appeal Ref: APP/E2340/D/22/3303336

18 Forester Drive, Fence BB12 9PG

- 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 and Mrs Mick and Lauren Heys against the decision of Pendle Borough Council.
 - The application Ref: 22/0041/HHO, dated 21 January 2022, was refused by notice dated 12 May 2022.
 - The development proposed is the demolition of the conservatory and erection of single storey rear extension and extend patio, demolition of garage to side and erection of single storey side extension, formation of 2 dormers to front and extend driveway.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the conservatory and erection of a single storey rear extension and extend patio, demolition of garage to side and erection of single storey side extension, formation of 2 dormers to front and extend driveway at 18 Forester Drive, Fence, BB12 9PG, in accordance with the terms of the application Ref. 22/0041/HHO, dated 21 January 2022, subject to the following conditions:

(i)The development hereby permitted shall begin not later than three years from the date of this decision.

(ii)The development hereby permitted shall be carried out in accordance with the following approved plans: 576/02, 576/07A, 576/08A ,576/09A.

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

(iv)The proposed development shall not be brought into use unless and until the parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Procedural Matter

2. Notwithstanding the planning application form which refers to two storey development, amended plans were submitted prior to the determination of the planning application and the amended proposals show only single storey

development. I have determined the appeal on the basis of the amended plans and have taken the description of development in the banner heading above from the Council's refusal notice as it is more precise.

Main Issues

3. The main issues are (i) the effect of the proposal upon the living conditions of the occupiers of No 16 Forester Drive in respect of outlook and light and (ii) whether the development constitutes good design.

Reasons

Living Conditions

4. Owing to the position, height and extent of boundary treatment between the proposed development and No 20 Forester Drive, I am satisfied that the proposal would not cause any material harm to the occupiers of this property in terms of outlook, privacy or light. It is of note that there is an existing conservatory to the rear of the property which would be demolished to facilitate the erection of the proposed rear extension.
5. The point of dispute between the parties relates to No 16 Forester Drive which is also a bungalow. The single storey side extension would be set away from the common boundary where it projects beyond the neighbouring garage. Part of the single storey development would be relatively close to windows serving a bathroom, kitchen diner and rear sun lounge. However, the effects of the development upon the outlook afforded to the occupiers of this neighbouring property from such windows would not be significant in the context of the height of the existing common boundary fence, the position of an existing shed, the set back position of the side extension and as there are other windows serving other ground floor habitable rooms that provide a more open outlook for the occupiers of No 16 Forester Drive. The development would, in part, be visible from existing side windows, but not to the extent that it would have an overbearing impact upon neighbouring occupiers.
6. When the planning application was originally submitted, it was accompanied by a daylight and sunlight assessment prepared by Smith Marston Building Surveyors, dated 18 March 2022. I have no reason to disagree with the findings of this assessment. In any event, this assessment was based upon a different planning application proposal in so far that it related to a proposed two-storey side extension. The assessment concluded that, based upon the original , there would be a marginal loss of light to the neighbouring property.
7. However, the amended plans show a single storey extension to the side. Considering the height, position and orientation of No 16 Forester Drive with the proposal, as amended, coupled with the findings of the daylight and sunlight assessment report, which was based on a materially different proposal, the evidence before me leads me to conclude that the development would not result in any material loss of sunlight or daylight to No 16 Forester Drive. In reaching this decision, I have also taken into account the requirements of the public sector equality duty in so far as noting the specific health issues that relate to the occupier of this neighbouring property.
8. For above reasons, I conclude that proposal would not cause harm to the occupiers of No 16 Forester Drive in respect of outlook and light and that it

would suitably accord with all the amenity and general design requirements of policy ENV2 of the 2015 Pendle Local Plan Part 1: Core Strategy 2011-2030 (CS), the Council's Design Principles SPD 2009 and paragraph 134 of the National Planning Policy Framework 2021 (the Framework).

Design

9. The proposed wrap around extension would be single storey and would include a roof lantern window. It would be built in materials to match the existing house and would appear subservient in scale to the host property. The demolition of the existing side garage and its replacement with a side extension with a modest pitched roof to form a playroom and study area would not look out of place in the street-scene. As the development would be single storey, there would remain a suitable consistency of scale in the street-scene in terms of first floor gaps between properties. Overall, the development would not cause harm to the balance or symmetry of the pair of semi-detached bungalows.
10. The two front dormers would be pitched, thereby suitably reflecting the gabled roof of the main house. The use of anthracite grey cladding to the cheeks and fronts of the dormers to match new window frames for the house in the same colour would have the effect of introducing some design consistency across the property. I noticed on my site visit that there were other properties in the immediate area that have front dormers and hence I am satisfied that both this part of the development, coupled with the extension to the rear patio area and driveway would be acceptable in design terms.
11. For the collective reasons outlined above, I conclude that the proposal would constitute good design. It would therefore accord with the design requirements of Policy ENV2 of the CS, the SPD and Chapter 12 of the Framework.

Other Matters

12. I note the concerns raised by other interested parties about the loss of the garage and the provision of the resultant two car parking spaces. However, I note that the Highway Authority does not raise an objection to the proposal on this basis and there is no reasonable evidence to indicate that the provision of two car parking spaces would result in any significant on-street car parking problems in the locality. A condition could be imposed, as recommended by the Highway Authority, relating to the provision and retention of proposed car parking areas. Furthermore, I have no reason to disagree with the views expressed by the local planning authority that the '*parking is adequate for parking standards in saved Policy 31*'.
13. Concerns have been raised about the shared use of the ginnel between the application property and No 16 Forester Drive. There is no evidence that shared access would be prohibited as a result of this proposal and, should that happen, it would be a private/civil matter to be dealt with outside of the planning application process.
14. None of the other matters raised alter or outweigh my conclusions on the main issues.

Conditions

15. Planning permission is granted subject to the standard three-year time limit condition. For the avoidance of doubt and in the interests of certainty it is necessary to impose a condition requiring that the development is carried out in accordance with the amended and approved plans.
16. In the interests of good design, it is necessary to impose a condition relating to external materials.
17. In order to ensure that there is adequate on-site car parking provision, it is necessary that proposed car parking areas are provided and thereafter retained.

Conclusion

18. There are no material planning considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

S Hartley

INSPECTOR