



Appeal Decision

Site visit made on 17 November 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 1st December 2022

Appeal Ref: APP/Z2315/D/22/3307545

242 Manchester Road, Burnley BB11 4HF

- 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 Steven Duxbury of Avalon Town Planning Ltd against the decision of Burnley Borough Council.
 - The application Ref HOU/2022/0021, dated 18 January 2022, was refused by notice dated 12 August 2022.
 - The development proposed is part two storey and part single storey rear extension to existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has commented that the officer report refers to the development being to the side of the dwelling, whilst the description of development, as set out above, refers to the rear. However, it is clear from the plans and accompanying details where the proposal is sited, and that the development proposed is "part two storey and part single storey rear extension to existing dwelling". The Council dealt with the proposal on this basis and so shall I.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of No 244 Manchester Road regarding outlook.

Reasons

4. The appeal site is a detached, traditional dwelling, with a stone front elevation and render to the sides and rear. It is located within a residential area characterised by detached, semi-detached and short terraces of housing fronting the main road. No 242 has a sizable front garden with trees and bushes, and an existing parking area. The property has previously been extended to the rear with a single-storey, flat roofed extension, and roof terrace. It also has to the side, a porch extension, and a conservatory. To the rear is a pitched roof garage.
5. The proposed two storey and single storey extensions, which would be aligned with the existing side elevation of the house, would extend the property up to the existing garage. As it would not be inset from the existing rear elevation, it would result in an extensive elevation along the side of the house. The increase in the overall footprint, scale and proportions of the house, would result in a large development parallel to, and relatively close to the adjoining house, at No

244 Manchester Road. Although the use of a hipped roof on the two-storey extension would help to reduce the overall massing, the height of the eaves level and the apex of the roof, would result in an imposing development located adjacent to the neighbouring property.

6. Number 244 is at the end of a row of three houses. Its side elevation, which has French doors serving a living room, faces a boundary fence located between it and No 242. To the rear it has a single storey extension with a side window that would overlook the proposal. The ground level of No 244 is higher than that at No 242. Whilst the outlook from the French door of No 244 is currently limited by the position of the fence and the distance to it, the closest part of the house at no 242 is a single storey conservatory. This is glazed and of limited height. This would be replaced by a two-storey extension, and to the rear of this by a large flat roofed extension with a lantern. As no windows are proposed at 1st floor level, and there are currently ground floor windows along this elevation at no 242, the development would not result in any significant overlooking. However, the proximity of the development, particularly the two-storey element, parallel to and close to the side elevation of No 244, would create an oppressive and overbearing feature which would harmfully affect the outlook from this property.
7. The Council also considers that the proposal would affect the living conditions of the host property. However, the proposed windows would be at ground floor level only, whilst the existing conservatory has a greater level of glazing than that proposed for the office in a similar location. The two other existing windows and glazed porch on this elevation would be replaced by only one kitchen window, with a secondary window and bi-fold doors on the rear elevation overlooking the garden. With the existing fence between the two properties, the proposal would not result in any greater overlooking from the neighbouring property than currently exists. However, this does not alter my other concerns regarding the effect on the adjacent property at No 244.
8. For the reasons set out above, the proposal would significantly harm the living conditions of the occupants of No 244 Manchester Road regarding outlook. It would not accord with Burnley Local Plan, July 2018, Policies HS4 3) c) and HS5 1) c) which seek to ensure appropriate levels of privacy and outlook for residents, and it would not accord with the Framework.

Other Matters

9. Notwithstanding that the proposal has been reduced in size from previous applications, the appeal that is before me must be assessed on its own merits.
10. Whilst an obstruction angle test has been carried out to assess whether there is a loss of daylight and sunlight, that does not alter my concerns in relation to outlook and an overbearing effect.
11. It is common ground that the development would not harm the character and appearance of the area due to its limited visibility from public vantage points. I concur with that view. However, this is an ordinary requirement for new development, and it does not represent a positive benefit that weighs in favour of the proposal.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

M J Francis

INSPECTOR