



Appeal Decision

Site visit made on 28 March 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2023

Appeal Ref: APP/T2350/W/22/3311663

2 Bushburn Drive, Langho BB6 8EZ

- 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 & Mrs Cooper against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2022/0667, dated 13 July 2022, was refused by notice dated 5 August 2022.
 - The development proposed is described as 'a new detached bungalow.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in respect of this appeal are i) the effect of the proposed development upon the character and appearance of the area and ii) the living conditions of the occupiers of 2 and 4 Bushburn Drive and 29 Moorland Road, with regard to privacy.

Reasons

Character and Appearance

3. The appeal site forms part of the rear garden belonging to No 2 Bushburn Drive, a detached 1.5 storey bungalow. It currently contains 2 adjoining single garages with shallow lean-to roofs, and an area of hardstanding which front onto and are accessed off Moorland Road.
4. Dwellings within the street scene of Moorland Road are a mixture of detached and semi-detached bungalows of differing designs including gables positioned to both the front and side. This adds a degree of interest to the appearance of the street scene. The majority of front boundary treatments along Moorland Road are comprised of low walls, railings or hedging enabling views across the building frontages. The (albeit narrow) gaps between dwellings, and the more generously sized corner plots such as that of the appeal property, help to create a sense of space, that contributes positively to the character of the area.
5. The proposed dwelling being a 1.5 storey chalet style bungalow would be of a larger scale than the garages to be removed, taking up the full depth of the appeal site. With virtually no garden to the rear, the proposed dwelling would occupy a much smaller and constrained plot size than is typical of neighbouring dwellings. It would further reduce the amount of garden located directly to the

- rear of 2 Bushburn Drive, contrary to the prevalent pattern of spacious rear gardens.
6. Despite being designed with a front facing gable akin to nearby dwellings, the narrow frontage and height of the apex, would combine in this instance to present a vertically proportioned dwelling to the street scene. Thus, it would contrast significantly with neighbouring dwellings which due to their wider span or semi-detached nature have a low-rise and horizontal emphasis. Sited on land above the neighbouring dwelling of 29 Moorland Road, the impact of the proposed development would be exacerbated, such that it would appear visually jarring. The scale, position and height of the proposed dwelling would result in a cramped form of development squeezed into a restricted space, that would erode the spaciousness of the appeal site and the wider street scene.
 7. I acknowledge that not everyone wishes to have a large garden that requires ongoing maintenance. However, I find that whilst the dwelling is small in isolation, it is large relative to the overall plot size, and it is for these reasons I have found the development to be contrary to the prevalent character of the area, as described above.
 8. Reference is made to the proposal being an amendment to a scheme that was previously refused by the Council under application reference 3/2021/1283. Details of the previous scheme have not been presented to me such that I could make a comparison. Nonetheless, the provision of an amended scheme does not justify allowing the proposal with which I have found harm for the reasons given above.
 9. The proposed development would have an adverse effect on the character and appearance of the area. Thus, the development would conflict with Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028 (Core Strategy), which seeks amongst other things to ensure that all development is sympathetic to its surroundings in terms of scale, massing, density and layout. The proposal would further fail to comply with paragraph 130 of the National Planning Policy Framework (the Framework), which requires high-quality design that responds to local character and reflects the identity of the surroundings.

Living Conditions

10. Rooflights are proposed to serve a bedroom at the rear of the proposed dwelling, providing the main source of natural light and outlook for the room. They would be large and although angled inwards would be positioned within the roof slope contiguous with the cill of the first-floor gable window. Given the narrow width of the plot and the proximity of the rooflights to the boundaries with the neighbouring properties of No 2 and No 29, I find that the proposed dwelling would introduce direct overlooking of the neighbouring gardens, from an elevated position where overlooking does not currently occur, more so when the rooflights would be open. The current level of privacy afforded to the occupants of No 2 and No 29 would be diminished as a result.
11. It is suggested that the rooflights to the rear bedroom could be obscure glazed. However, this measure would result in a habitable room with no outlook, given the lack of other windows. As bedrooms may be utilised for purposes other than sleeping, for example working from home, studying or pursuing hobbies, obscure glazing would result in a poor standard of living conditions for the future occupiers of the proposed dwelling. Furthermore, obscure glazing the

windows would not address the potential for overlooking when the windows are open. Non-openable windows would not be appropriate for a habitable bedroom given the need for ventilation and escape purposes. I find the impact of the proposed rooflights on the privacy of neighbouring occupiers, could not be adequately mitigated by condition.

12. The rear elevation of the proposed dwelling would be in proximity to the fence that forms the boundary with 4 Bushburn Drive. The appeal site is at a slightly higher land level than the neighbouring dwelling, and the fence appeared to be approximately 1.5m in height. Therefore, the proposed rear kitchen windows would be visible above the top of the fence. A kitchen is a room where the occupants are likely to spend extended periods of time for cooking, eating and washing. Direct overlooking of the rear-most part of the rear garden of No 4 would therefore be likely at close range. I have no evidence to the contrary. As there are no windows in such closeness directly overlooking this part of the garden, the level of privacy currently afforded to the rear garden of No 4 would be diminished as a result of the proposal.
13. The proposed development would have an adverse effect on the living conditions of the occupants of No 2, No 4 and No 29, with particular regard to privacy. Therefore, the proposal conflicts with Policy DMG1 of the Core Strategy which aims amongst other things, to ensure new development considers the relationship between buildings and the effect on existing amenities. It would also conflict with paragraph 130 of the Framework which requires new development to have a high standard of amenity for existing users.

Other Matters

14. I acknowledge that pre-application advice was sought with respect to the proposal. The Planning Practice Guide is clear that such advice cannot pre-empt the democratic decision-making process, or a particular outcome in respect of a formal planning application. Nevertheless, from the evidence before me, the Council provided a negative response to this request, suggesting that it would be difficult to accommodate a new property on the appeal site. Concerns raised in relation to the Council's handling of the planning application and a subsequent request for advice, are a matter for the parties.
15. Reference is made to the proposed scheme making provision for off-road car parking and the use of the garden not being any worse for the neighbours than the existing situation as garden for No 2. The lack of harm with regard to these matters is neutral in the planning balance weighing neither for, nor against allowing the appeal.
16. I note interested party concerns regarding the impact of the proposed development on highway visibility, loss of light, the alleged presence of a culverted watercourse and a lack of amenity space for the future occupiers, amongst other things. As I am dismissing the appeal on the main issues, I have not been required to address these matters further.

Conclusion

17. For the reasons given above, having considered the development plan as a whole, and all other considerations, the appeal is dismissed.

M Clowes - INSPECTOR