



Appeal Decision

Site visit made on 23 May 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2023

Appeal Ref: APP/Z2315/D/23/3320003

39 Fairfield Drive, Burnley, Lancashire BB10 2PU

- 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 Adnan Asghar against the decision of Burnley Borough Council.
 - The application Ref HOU/2022/0714, dated 6 December 2022, was refused by notice dated 17 January 2023.
 - The development proposed is erection of outbuilding.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The outbuilding was constructed prior to my visit. I have determined the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 41 Fairfield Drive with particular regard to outlook.

Reasons

4. The host dwelling is a detached brick built property in an established residential area. The outbuilding has been erected in the rear garden and is not visible from the highway. The garden rises towards the rear boundary and therefore the floor level of the outbuilding is higher than that of the host dwelling. It is brick built and has a flat roof and is set back from the boundary with 41 Fairfield Drive. At the time of the site visit the outbuilding contained gym equipment.
5. The outbuilding is set back from the shared boundary by approximately 1 metre. It can be seen from the rear windows of 41 Fairfield Drive due to its height being greater than the existing boundary fence. Whilst the proposal is not directly in line with the rear elevation of the neighbours' dwelling the outbuilding has reduced the oblique outlook from the patio doors and therefore causes a harmful loss of outlook from the property. Even though it is of a flat roof construction the outbuilding is prominent due to its length, height and position in relation to the rear windows of the neighbouring dwelling. In addition, due to the orientation of the neighbouring property with the outbuilding it has reduced the level of light into the neighbours' living room which adds further weight to the level of harm.

6. I conclude that the outbuilding causes undue harm to the living conditions of the occupiers of 41 Fairfield Drive. Consequently, it conflicts with Policies SP5, HS4 and HS5 of the Burnley Local Plan (2018) which together, amongst other matters, seek to ensure that development does not have unacceptable adverse impacts on the amenity of neighbouring residents. In addition, it conflicts with guidance in the Residential Extensions Supplementary Planning Document and the National Planning Policy Framework.

Other Matters

7. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.

Conclusion

8. The proposal conflicts with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding.
9. For the reasons given I conclude that the appeal should be dismissed.

H Senior

INSPECTOR