



Appeal Decision

Site visit made on 27 June 2023

by Jack Alexander Smith (MPLAN) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2023

Appeal Ref: APP/Z2315/D/23/3321110

4 Daisy Bank Crescent, Burnley BB10 4RA

- 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 Diane Mulrooney against the decision of Burnley Borough Council.
 - The application Ref HOU/2023/0069, received by the council on 7 February 2023, was refused by notice dated 20 March 2023.
 - The development proposed is the raising of the existing ridge and new dormer to rear.
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Decision

1. The appeal is allowed and planning permission is granted for the raising of the existing ridge and new dormer to rear at 4 Daisy Bank Crescent, Burnley, BB10 4RA in accordance with the terms of the application, Ref HOU/2023/0069, received by the council on 7 February 2023, subject to the conditions below:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - D.B.C4/2 Location Plan
 - D.B.C4/4 Existing Site Plan
 - D.B.C4/4 Proposed Site Plan
 - D.B.C4/1A (Existing & proposed plans, elevations, section and notes)
 - 3) Notwithstanding condition 2 above, the materials to be used in the construction of the external surfaces of the development hereby permitted shall be those described on the planning application form.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the appearance of the area and,
 - the living conditions of the occupiers 47 Brownside Road with particular regard to privacy.

Reasons

Appearance

3. The appeal site relates to a building situated at the end of Daisy Bank Crescent. Daisy Bank Crescent comprises of bungalows of both gabled and hipped roof designs. The property is in an elevated position when viewed from the adjacent Brownside Road. This is a characteristic of the area that extends beyond Daisy Bank Crescent as properties rise due to the topography of the local area. There is a mixture of materials in the vicinity of Daisy Bank Crescent, comprising of brick, stone, render and tile. There is also a mixture of house types which are typically terraced and semi-detached two storey dwellings and a series of bungalows, many of which do have dormers in their roof space.
4. The appeal property sits at the end of Daisy Bank Crescent which would result in a limited view of the development from the street itself. Due to the rise of the roof away from the street, the proposal would not appear incongruous from this viewing position.
5. The proposal would be more visible in glimpses from Brownside Road. However, it would be viewed alongside a similar dormer at 2 Daisy Bank Crescent.
6. I note the guidance in the Council's Residential Extensions SPD. Notwithstanding this, and that No 2's dormer pre-dates the Local Plan, this neighbouring dormer nonetheless has a significant bearing on the architectural context of this proposal because it is seen in the same view. Similarly, while part of the pattern of development here includes bungalows, the area also includes 2-storey houses. Indeed, the house on this plot is already 2-storeys.
7. Given the presence of existing dormers in the area, contrasting roof designs and the rear extension to 2 Daisy Bank Crescent, I conclude that the proposed development would not appear unduly prominent when viewed from the street scene or adjacent dwellings.
8. While policy HS4 of Burnley's Local Plan 2018 (LP) to which the Council refers and which concerns new housing developments has less relevance, there would be no conflict with LP policies HS5 and SP5 which requires extensions and modifications to properties to be subordinate to the building and to allow its form to be clearly understood respecting its architectural characteristics and using matching or complementary materials.

Living Conditions

9. The existing dormer in the rear elevation of 4 Daisy Bank Crescent contains habitable room windows. 47 Brownside Road is offset at an angle to the rear elevation of the proposed development, and it is on lower ground.

10. I note that the rear openings of the altered dormer would be at first floor level, and larger than the existing openings, and that they would look out towards No 47. I visited inside No 4 to gauge the potential for overlooking from this proposal. Given the distance of the proposed openings from No 47 and its garden, as well as the planting on the boundary between No 47 and No 4, any overlooking would be limited. I appreciate that one of the openings would have inward opening doors and a handrail. While this may allow views out from the opening rather than from behind glass set within the opening, it would not be a materially significant change in the potential to overlook.
11. The council has referred to policy HS4 and HS5. HS4 details the separation distances expected to achieve appropriate levels of privacy and outlook. This policy suggests that there should be a minimum distance of 20 metres, plus an additional 3 metres due to the height difference between the two properties. These distances are furthered by policy HS5, which states that proposals will not have a detrimental impact on the amenity reasonably expected by neighbouring properties. Between the appeal site and the rear neighbour of No 47, there is approximately 21 metres between the two dwellings.
12. The proposal would not be harmful to the privacy of the occupiers of No 47, either in their house or in their garden. It would be little different from much of the housing in the built-up area, where a degree of mutual overlooking is anticipated and accepted. More decisively, there is already a dormer in place here which encloses the same rooms with windows, albeit they are smaller than those in this proposal.
13. I do not find the height difference, the angle of the neighbouring dwelling and the existing distances significant. The distances between the two properties does not satisfy the requirements of the Residential Extensions SPD. However, this situation already exists and the distance between the two dwellings is just less than what is required by the Residential Extensions SPD. Furthermore, planting along the rear boundary assists with reducing the impact of this proposal on the living conditions of the neighbouring dwelling.
14. In these circumstances, there would be no harm to the living conditions of the occupiers 47 Brownside Road, with particular regard to privacy. While LP policy HS4 to which the Council refers and which concerns new housing developments has less relevance, save for the distances section, there would be no conflict with LP policies HS5 and SP5 which require alterations not to have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties, including through overlooking and lack of privacy.

Conditions

15. In addition to the statutory time condition, I have applied a plans condition, in the interest of certainty. As there is a difference between the proposed materials indicated on the application form and those indicated on the drawings, to avoid uncertainty and to safeguard the appearance of the area I have applied a 'notwithstanding' condition to secure the materials as described on the application form.

Conclusion

16. I conclude that there would be no unacceptable harm to the character and appearance of the street scene or to the living conditions of neighbouring dwellings. As such, the proposal would comply with the development plan. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise. Therefore, I find that the appeal should be allowed.

J Smith MRTPI

INSPECTOR