



Appeal Decision

Site visit made on 5 June 2024

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21 June 2024

Appeal Ref: APP/Z2315/D/24/3337772

42 Hill Crest Avenue, Cliviger, Lancashire BB10 4JA

- 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 Ms Vicky Maddox against the decision of Burnley Borough Council.
 - The application Ref. HOU/2023/0604 dated 28 September 2023, was refused by notice dated 10 December 2023.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In December 2023 the Government published its revised National Planning Policy Framework (the Framework). In this instance, the issues most relevant to the appeal remains unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework and that no party would be disadvantaged by such a cause of action.

Main Issues

3. The main issues in the appeal are the effect of the proposed development on (i) the character and appearance of the host dwelling and the area and (ii) on the living conditions of the occupiers of the adjacent dwelling in relation to outlook.

Reasons

Character and Appearance

4. The appeal property, No 42 Hill Crest Avenue, (No 42) is a modest semi-detached property sited on a residential estate, consisting of a mixture of semi-detached dwellings and bungalows. Hill Crest Avenue slopes down from the south to the north and No 42 is consequently at a higher level than the adjacent bungalow, No 40 Hillcrest Avenue (No 40). Both properties are set back from the road with spacious front gardens with a generous gap between them, separated on their boundary by a driveway, shrubbery and planting.

5. The Council's Residential Extensions Supplementary Planning Document (Extensions SPD) contains design principles for single storey side extensions. These include the advice that such extensions should be in proportion with the scale of the host building with appropriate set back of the extension from the host building where necessary. No specific limit on their width is given. The proposal would see the construction of a single storey side extension with a pitched roof hipped at the front to match the roof of the existing dwelling. It would project beyond the front wall/bay window of No 42 and would span much of the width of the existing driveway.
6. Whilst the design of the roof would be subordinate to that of the existing dwelling, the proposed extension would, given its depth and width, be a sizeable addition to the dwelling. In particular, the combined effect of its depth and front projection would create a bulky enlargement to the dwelling that would fail to be subservient and would detract from its modest character and that of the wider area.
7. A gap would remain between Nos 40 and 42, and rear access would be retained in accordance with advice within the Extensions SPD. However, this would not outweigh the harm caused by the proposal which as a result of its excessive depth and projection forward of the dwelling would nonetheless appear as a disproportionate and unduly prominent feature which would dominate the existing property and the existing street scene. The appellant states that the proposal would be constructed in matching materials. However, aspects of good design are fundamental to all development and would not represent a notable benefit.
8. The appellant has drawn my attention to a number of similar roof canopy design features along Hill Crest Avenue but these are not a prevalent feature within the streetscene and do not strongly reflect the character of the area on the part of Hill Crest Avenue where No 42 is located. As such these developments do not represent a direct parallel and merit limited weight.
9. I therefore conclude that on this issue the proposal would result in unacceptable harm to the character and appearance of the host dwelling and the area. As such it would be contrary to Policies SP5 and HS5 of Burnley's Local Plan (adopted July 2018)(Local Plan) which together require extensions to be subordinate to the existing building and to respect the scale of the original building and for development to respect existing scale and massing. It would also fail to comply with guidance contained in the Extensions SPD and with the Framework which seeks to promote development sympathetic to local character.

Living Conditions

10. The proposed wall of the side extension would be approximately 9m long and would extend closer to the boundary with No 40. Notwithstanding that a gap would be retained between the flank wall and the boundary, it would, due to its length and elevated position, have an unacceptable overbearing effect for the occupiers of No 40. Further due to the different land levels it would give rise to a sense of enclosure for the occupiers of No 40. As such the proposal would fail to safeguard the amenities of the occupiers of No 40.
11. No issues of privacy would arise given that the proposed kitchen window would be obscured glazed. I also acknowledge that there is soft landscaping on this

boundary. However, these matters in themselves do not mitigate the overbearing effect which would be caused by the depth of the proposed extension at a higher level.

12. For the above reasons, the proposal would result in unacceptable harm to the living conditions of the occupiers of No 40 by reason of an overbearing outlook. Of the policies quoted by the Council, I consider Policy HS5 of the Local Plan to be most relevant and find that the proposal would have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of the neighbouring property by a reduction in outlook.

Other Matters

13. I note that parking arrangements would be acceptable and no highway issues arise as a result of the proposal. Reference has also been made to the similarity to a scheme previously granted approval. No details, including plans, of any such scheme have been provided, or whether it was considered in the current policy context. As such, it is not a matter which carries any weight in favour of the scheme.

Conclusion

14. For the reasons set out above, the proposal would conflict with the Development Plan and there are no material considerations that would outweigh that conflict. Accordingly, I dismiss the appeal.

K Winnard

INSPECTOR