



Appeal Decision

Site visit made on 5 November 2024

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2024

Appeal Ref: APP/Z2315/D/24/3347078

43 Ightenhill Park Lane, Burnley, Lancashire BB12 0LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Huckerby against the decision of Burnley Borough Council.
 - The application Ref is HOU/2024/0199.
 - The development proposed is Proposed two storey side extension including steel frame balcony to rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for proposed two storey side extension including steel frame balcony to rear elevation at 43 Ightenhill Park Lane, Burnley, Lancashire BB12 0LL in accordance with the terms of the application, Ref HOU/2024/0199, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg 02A and Dwg 04A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site is a semi-detached dwelling located on Ightenhill Park Lane near to the junction with Ighten Road. The area is residential in character with a mixture of pairs of semi-detached properties along Ightenhill Park Lane and Ighten Road near to the site, with some detached properties and a terrace row

to the north. The surrounding properties are mixed in age and style. The land slopes to the rear of the property with dwellings along Herschel Avenue running behind the dwellings at a lower level. An access road runs immediately beside the appeal site separating it from neighbouring properties to the north. Many of the neighbouring dwellings appear to have been extended or altered.

4. The proposed two storey side extension would be located on the north side of the property and would be set back behind the existing conservatory on the side elevation. The extension would have windows on the rear elevation serving the proposed bedroom at first floor level and kitchen/diner windows and door at ground floor level leading onto a narrow decked/balcony area, before dropping down to the garden. The design of the extension has a hipped roof on the front with the ridge height lower than the highest part of the main dwelling.
5. The proposed extension would be set back significantly from the front elevation, and due to the intervening conservatory and porch, this would exaggerate the set back from the front elevation further, thereby reducing the visibility of the extension from the front. The design of the extension with a hipped roof at the front and a lower ridge height than the main dwelling, along with the proposed materials with render at first floor would provide a visual break. In combination these factors would result in the proposed being subservient to the main dwelling, such that it would not appear physically overbearing or overtly dominant. Furthermore, for these reasons the extension would not have a detrimental effect on the design of the dwellings as a semi-detached pair.
6. When viewed from the north, rear and the access road that runs to the side of the dwelling, the extension would be visible, due to low boundary treatments and level changes. However, the proposed design is in keeping with the host dwelling, due to the size, materials, fenestration and roof detailing, would not project further back than the existing two storey rear wall and would not project as far as the existing single storey outrigger. The proposed decking area outside the kitchen/diner although appearing raised, would prevent steps leading down straight from the kitchen door to garden level and would provide a more gradual egress. The lightweight design would not detract from the appearance of the dwelling. Therefore, whilst the extension would be visible from other vantage points, the design would not be harmful nor appear incongruous, given that the locality has a mixture of property styles, some with side extensions.
7. For these reasons, the proposed extension would not have a harmful effect on the character and appearance of the area. It would accord with Policies SP4, SP5 and HS5 of Burnley's Local Plan (July 2018) (BLP). Collectively, these seek amongst other things to ensure that development is of an appropriate type and scale, of a high standard of design using a palette of high-quality materials appropriate to the local context, and that extensions are subordinate to the existing building.

Living conditions

8. The proposed extension would be flush with the rear wall of an existing two storey outrigger. Ground and first floor windows are set back and to the side of the outrigger and orientated towards properties to the rear and the fields

beyond. The residential properties in the immediate area are closely arranged, inevitably leading to some intervisibility between dwellings.

9. The neighbouring property at the rear, No 28 Herschel Avenue, is positioned at a much lower land level. It would maintain a generous separation distance from the proposed extension. The appeal property and No 28 are separated by a boundary wall while an outbuilding is positioned on the rear boundary.
10. Although the proposed extension would be positioned on much higher ground, the generous separation distance coupled with the oblique viewing angle towards windows at No 28 would ensure that mutual overlooking between proposed windows, would not result in any significant change even with the larger bedroom window proposed, particularly given the presence of an existing first floor window at the rear of the appeal property.
11. It is acknowledged that the addition of the proposed balcony off the proposed extension would allow for more elevated and expansive views towards No 28. However, the intervening distance and the presence of the existing wall and outbuilding would mitigate harmful levels of overlooking towards No 28's private amenity space and the rooms served by rear facing windows.
12. Taken together, I am satisfied that the effect on privacy would be within acceptable limits, particularly bearing in mind the suburban character of the local environment, whereby complete freedom from intrusion is rarely possible.
13. For these reasons, I conclude that the proposal would not have a detrimental effect on the living conditions of neighbouring occupiers by way of loss of privacy. Policies HS5 and SP5 of the BLP require developments to not have a detrimental impact on the amenity reasonably expected to be enjoyed by neighbouring occupiers by reason of overlooking. The proposal therefore accords with the aforementioned policies.
14. Having regard to the Residential Extensions Supplementary Planning Document (2022) (SPD) it requires developments to meet the privacy distances as set out in Table 1 in order to retain appropriate levels of privacy and outlook, based on the evidence provided and for the reasons mentioned I am satisfied that the proposal is in accordance with the guidance contained within the SPD.

Other Matters

15. The issue of impact on the ability to sell a neighbouring property in the future has been raised in representations. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. Therefore, this matter does not weigh against the proposed development.

Conditions

16. I have considered the conditions suggested by the Council. In addition to the standard time condition, in my judgement, conditions are also necessary in respect of ensuring the development is carried out in accordance with the approved plans, in matching materials, to provide certainty and to safeguard the character and appearance of the area.

17. Additional conditions suggested by the Council's Environmental Health Officer relating to controlling burning of construction waste and hours of construction were suggested in representations. These were not indicated as necessary in the appeal documents by the Council's Planning Officer and, given the modest scale of the proposed development along with existing safeguards available through other legislation to protect occupiers from nuisance, I do not consider that these suggested conditions are necessary in this instance.

Conclusion

18. For the reasons set out having regard to the development plan as a whole and all other matters raised, the appeal is allowed.

N Duff

INSPECTOR