



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: POLICY AND RESOURCES COMMITTEE

DATE: 22ND AUGUST, 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO POLICY AND RESOURCES COMMITTEE ON 22ND AUGUST 2019

Application Ref: 19/0468/HHO
Proposal: Full: Retention of single storey rear extension with balcony.
At: 42 Gisburn Road, Barrowford.
On behalf of: Mrs Clare Riding
Date Registered: 26.06.2019
Expiry Date: 21.08.2019
Case Officer: Charlotte Pinch

This report has been referred from Barrowford Committee as members were minded to approve the planning application, but with a condition to preclude the use of the roof area as a balcony. This would be unreasonable and unnecessary as there is no adverse impact on privacy. This was against officer advice and such a condition could lead to an adverse costs award against the council at appeal.

Site Description and Proposal

The application is brought to committee as it has received more than 3 objections.

The application site is a terraced property, located within the settlement boundary of Barrowford and is not within a Conservation Area.

The proposal is for a retrospective application for a replacement single storey rear extension, with flat roof to be used as a first floor balcony. The extension is complete and constructed of coursed natural stone and a fibreglass flat roof, with white UPVC fenestration features.

It is important to note that this application is solely for the erection of the single storey extension, the shed which is mentioned in some comments will be the subject of an additional separate application.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

No objection.

Barrowford Parish Council

No objections to a small scale ground floor extension, but has grave concerns about the use of the roof at 1st floor level as a balcony. The concerns relate to privacy issues in the adjoining properties. The balcony will give a line of sight into windows on the two adjacent properties which at first floor

level would not normally be the case. If the Council is minded to approve the application as it stands, Barrowford Parish Council would not support the application and object on the grounds stated.

Public Response

Six letters of objection were received from neighbouring occupiers, five from different households, their comments can be summarised as follows:

- Overlooking from the balcony back into first floor windows of adjacent terraced properties and outside amenity spaces.
- Reduction in value of neighbouring properties, due to detrimental overlooking impacts.
- The extension overshadows adjacent properties, resulting in a loss of light.
- Significant noise and disturbance to neighbours from those using the balcony.
- The scale of the building is large and out of keeping with existing adjacent properties.
- The shed on the back street restricts access and parking.
- Inaccuracies in the application form, including ownership.
- The extension would create a precedent for extensions and balconies in the street.
- The site lies within a Conservation Area, therefore works should comply with the Local Plan and should avoid additional development.
- Affects the Human Rights Act.

A letter of response was received, on behalf of the applicants, which made the following comments:

- The applicant is the owner of the property.
- The site does not lie within a Conservation Area.
- This application has no impact on parking/loading/turning.
- The applicant was informed, incorrectly, by a builder that planning permission was not required. As soon as notification was received that planning permission was required, this application was submitted.
- There are a number of examples of balconies/raised platforms along this row of dwellings.

A further letter of objection was received from a neighbouring occupier following completion of the report for Barrowford Committee, their comments can be summarised as follows:

- This row of houses forms a significant historical area, which should be protected.
- Each planning application should be dealt with on its own merits, limited consideration should be given to existing balconies in the row.
- Loss of privacy and overlooking as a result of the balcony.
- A glass screen to reduce privacy loss, would not be in keeping with the heritage of the area.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and developments, setting out the requirements for good design and protecting residential amenity.

Impact on Visual Amenity

Policy ENV2 of the Pendle Local Plan Part 1 aims to ensure that all new development should viably seek to deliver the highest possible standards of design. Moreover, the design principles SPD advises that single storey rear extensions should not normally extend beyond the line of existing additions in order to maintain the character and appearance of such areas.

The application site is not within a Conservation Area, therefore policies relating to such a designation do not apply to this application.

The proposed extension would have a modest depth of 3 metres and total height of 2.7 metres, which includes a glass screen. The depth of the extension would be the same as the extension it replaced and in line with existing garden boundaries and extensions on neighbouring properties within this terrace. Its scale and appearance would not appear obtrusive within the street scene.

Although Corlass Street is accessible by the public, it is not a main highway and is well screened from Gisburn Road to the west. The extension is constructed in natural coursed stone and white UPVC features to match the existing dwelling. The extension replaces a previous extension, which was of a similar scale and constructed in far less sympathetic materials. There are a range of styles of extensions along this terrace and the majority of properties have UPVC fenestration features.

Therefore, the proposed development is acceptable and would not have a detrimental impact on the character of the area, in accordance with Policy ENV2 and the Design Principles SPD.

Impact on Residential Amenity

The Design Principles SPD states that single storey rear extensions located on or immediately adjacent to the part boundary with neighbouring properties will normally be acceptable if they do not project more than 4 metres from the rear elevation of the existing dwelling.

The proposed retrospective extension has a maximum depth of 3 metres and retains a 1.5 metre separation distance with the boundary of No.44 Gisburn Road. As a result, it would comply with the guidance in the SPD.

Moreover, the SPD advises that balconies at first floor level or above can result in a loss of privacy for neighbours. Careful consideration needs to be given to siting and potential screening.

The proposed balcony would be on top of the retrospective extension, at first floor level with a depth of 3 metres. The balcony would be at the rear of the dwelling and have views directly east, initially over Corlass Street, then Pendle Water and Lower Park Hill Recreation Ground beyond. All rear gardens and the rear elevations of the properties in this row are readily visible from public vantage points on Corlass Street, therefore very few properties benefit from private external amenity spaces.

Although concerns have been raised regarding overlooking impacts from the retrospective balcony onto neighbours rear gardens and into first floor windows, given the modest height and depth of the balcony, the view from the balcony would be no greater than that gained from existing first floor windows or when viewed publically from Corlass Street. Views into directly adjacent neighbour's windows at No.40 and No.44 would be at an extremely acute angle, which would not provide significant visibility.

Moreover, it is important to note that a number of other properties in this terrace already benefit from rear free standing balconies or similar roof terraces at the same or greater height than that proposed as part of this application. As a result, views from the proposed balcony would be no greater than existing raised platforms at adjacent properties.

In addition, further comments have been raised regarding noise disturbance from large numbers of people using the proposed balcony. Taken into account the parapet wall and safety screening, the balcony would provide only 6 sq.m of usable space, large enough to seat 4 to 6 people at maximum capacity. This would not result in a disturbance or use over and above that expected from a standard domestic property.

No information has been provided to show that the property is to be used as anything other than a residential dwelling house, for which typical domestic noise and activities would not be considered inappropriate or harmful within this residential setting.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would not result in an increase in the number of bedrooms at the property, nor alter the existing access or parking provision. Therefore no objections are raised on highway safety grounds.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed extension is acceptable in terms of policy, design, amenity and highway safety. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

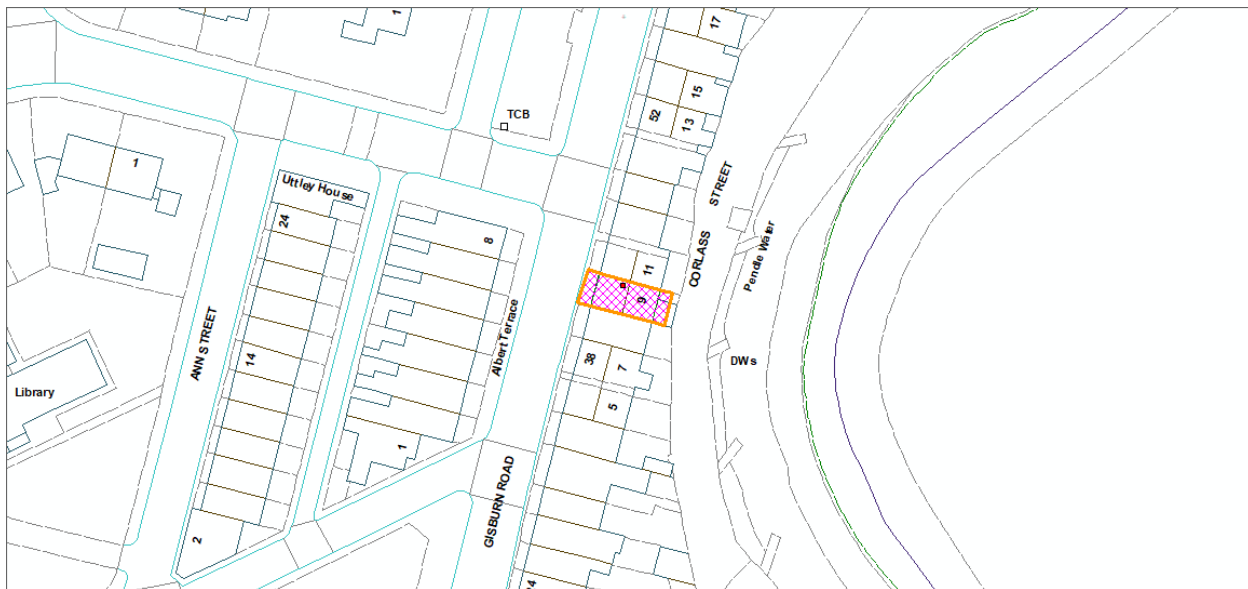
Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: ADM/19/20/03A, ADM/19/20/02A and ADM/19/20/01A.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. All the external materials to be used in the development hereby permitted shall match those of the existing building in colour, form and texture and there shall be no variation without the prior consent of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.



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