

## Appeal Decision

Site visit made on 16 August 2018

**by F Rafiq BSc (Hons), MCD, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>th</sup> October 2018**

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### **Appeal Ref: APP/T2350/D/18/3205944**

#### **5 Barn Croft, Clitheroe, BB7 1DY**

- 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 E Cockburn against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2018/0159 dated 27 February 2018 was refused by notice dated 19 April 2018.
  - The development proposed is a two storey side extension and single storey rear extension.
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#### **Application for Costs**

1. An application for costs was made by E Cockburn against Ribble Valley Borough Council. This application is the subject of a separate decision.

#### **Procedural Matter**

2. I have taken the name of the Appellant from the application form although I note that it is given differently on the appeal form.

#### **Decision**

3. The appeal is dismissed.

#### **Main Issue**

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of surrounding properties with reference to outlook.

#### **Reasons**

5. The appeal property is a two storey semi-detached dwelling which is situated on a cul-de-sac consisting of similar semi-detached properties and short terraces. In addition to the adjoining semi-detached property, the appeal site is bounded to the north by No. 4 Barn Croft and also No's 1 and 2 Brown Street. The proposal is for a two storey extension to the side of the existing dwelling, set back from the front building line. It also proposes a single storey extension across the rear.
  6. The rear elevation of No. 2 Brown Street would not directly face the proposed two storey extension, which the Council note, would only have visibility from a
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ground floor window that serves a non-habitable room within this neighbouring dwelling. The rear elevation of No. 4 Barn Croft however, would also not directly face the proposed two storey extension. Although the proposal would be around 5m from No. 4, this neighbouring property is offset from the appeal building, and as a result, I do not consider that there would be an undue sense of enclosure or overbearing impact to occupants within this neighbouring building.

7. The proposal would, however, result in a two-storey structure being located closer to the boundary between the appeal building and No's 4 Barn Croft and 2 Brown Street. Although the extension would only project along part of the boundary of both these neighbours, and be away from that section of the garden directly behind No. 2's rear elevation, I do not agree with the Appellant that the extension would adjoin the least important part of the boundary. Rear gardens areas to residential properties form an important aspect of an occupants living conditions, particularly where, as in this case, surrounding properties have modest such rear garden spaces. Given the mass and proximity of the extension to these neighbouring properties gardens, it would have an unacceptable enclosing effect and appear visually overbearing from these external areas.
8. Reference has been made to other properties as originally built, and the side elevation of one property having more of an impact on a neighbouring garden, than the appeal proposal would on its neighbour's gardens. Whilst this may be the case, and there may also be properties on the same cul-de-sac that have a closer relationship to neighbouring dwellings, this does not justify the harm that would arise from the proposal.
9. The Council have raised concerns relating to overshadowing, but as No's 4 Barn Croft and 2 Brown Street are located to the north and north-east, respectively of the appeal site, I do not consider that there would be any unacceptable effects arising in this respect.
10. I therefore conclude that the proposal would have an unacceptable harmful effect on the occupiers of surrounding properties with regard to outlook. I note the Appellant's view that the proposal would be in compliance with parts of Policy DMG1 of the Council's Core Strategy, which is referenced in the decision notice. However, and despite the Appellant considering this policy to be vague in some respects, it does set out the need for development to not affect the amenities of the surrounding area. The proposal would be contrary to this, and it would also conflict with the National Planning Policy Framework, which seeks, at Paragraph 127 f), a high standard of amenity for existing and future users.

### **Other Matters**

11. Reference has been made to a previous planning application on the appeal site, and the amendments that were made to address the refusal. The proposal would be of an acceptable design, and it would not have an adverse effect by way of overlooking on neighbouring residential occupiers. The Council have also not raised concerns in terms of off-road parking provision, the effect on the adjoining residential property at No. 6 Barn Croft or in relation to single storey element of the proposal. These are however neutral considerations and, therefore, do not amount to benefits in favour of the proposal.

**Conclusion**

12. For the reasons given above and having considered all other matters raised, including neighbour representations, I conclude that the appeal should be dismissed.

*F Rafiq*

INSPECTOR