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# Appeal Decision

Site visit made on 14 May 2013

**by Alison Partington BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 31 May 2013**

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**Appeal Ref: APP/T2350/A/13/2191378**

**Fell View, Barnacre Road, Longridge, Preston PR3 2PD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr M and Mrs S Patel and Mr F Moosa against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2012/0862, dated 18 April 2012, was refused by notice dated 20 November 2012.
  - The development proposed is 9 dwellings.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The application was submitted in outline with access, layout and scale to be determined at this stage. I have dealt with the appeal on this basis.

## Main Issues

3. The main issues of the appeal are the effect of the proposed development on:
  - the character and appearance of the area;
  - the living conditions of future occupiers of plot 4 and 5 with particular regard to privacy; and
  - the living conditions of the occupiers of No 63 and No 65 Inglewhite Road with particular regard to privacy.

## Reasons

### *Character and Appearance*

4. The appeal site is located at the corner of Barnacre Road and Inglewhite Road and is currently occupied by a vacant detached house. Inglewhite Road is a main road leading out from Longridge town centre. Close to the centre the road is characterised by terraced houses that abut directly onto the pavement. Further away from the centre the terraced houses are set back from the pavement with small front gardens. At the junction with Barnacre Road the road develops a more suburban feel, with the dwellings being semi-detached and detached houses and having a feeling of spaciousness created by both the size of the front gardens and the driveway areas at the side.

5. The proposed development would consist of a pair of semi-detached houses on the far side of the access road on Barnacre Road and a terrace of 7 properties that would be situated along the corner of Barnacre and Inglewhite Road. Despite the presence of similar dwellings to the south, the terraced nature of the development and its location close to the pavement with only small front gardens would, in my view, result in a scheme that would not reflect the more suburban character of the area immediately surrounding the appeal site. In contrast to the open and spacious feel of the surrounding residential area, I consider the development would appear cramped and over developed which would have a detrimental impact on the appearance of the area.
6. The dwellings would range in height from 8 to 9m which it is stated would be consistent with the development that has permission to the rear of the site. However, I consider that the terrace would relate more to the existing 2 storey houses on Barnacre and Inglewhite Road rather than to the houses that will be located to the rear. As such I consider that the taller dwellings would appear very dominant, especially given the fact that the appeal site is slightly higher than the adjacent dwellings on Inglewhite Road.
7. The appellants have argued that the proposal would create a strong corner feature. Whilst I appreciate this may be appropriate in certain locations I observed that in this area many of the corners are characterised by having an open aspect rather than being strong features in their own right. Consequently I consider that the development would be out of keeping with the surrounding area and would appear overly dominant in the streetscene.
8. I note that the appellants consider that the development would make efficient use of the land. However I am not persuaded that the development of the site cannot take place in a way that would make efficient use of the land without causing the harm to the character and appearance of the area that I have identified.
9. Overall I consider that the scale and layout of the proposed scheme would result in a development that appeared cramped, overly dominant and out of keeping with the surrounding area. Consequently it would be harmful to the character and appearance of the area. I therefore conclude it would not accord with Policy G1 of the *Ribble Valley Districtwide Local Plan (adopted June 1998)* (RVLP) which amongst other things seeks to ensure that the visual appearance of development respects its surroundings.

#### *Living Conditions – Future Occupiers*

10. By virtue of being located at the point where the terrace turns the corner, the rear elevations of plots 4 and 5 of the proposal would be angled towards each other. As a result windows in the rear elevation in these dwellings would directly face the rear gardens of the neighbouring property. Whilst at ground floor level it is probable that the boundary treatment between the properties would be sufficient to prevent any overlooking, this would not be the case at first floor level.
11. Whilst I accept that in most terraced and semi-detached dwellings first floor windows are afforded some views into neighbouring gardens I consider that the relative position of these two dwellings means that the level of overlooking would be much greater. Consequently areas of the garden closest to the property which are generally not possible to see from neighbouring properties

and where occupiers are most likely to have a seating area would not enjoy the same level of privacy that would normally be expected in terraced and semi-detached houses. As such and notwithstanding the paragraphs of the *Supplementary Planning Guidance – Extensions and Alterations to Dwellings* referred to by the appellants I find that harm would be caused to the future occupiers of these dwellings.

12. I acknowledge that the appearance of the dwellings is a reserved matter. However, given the inevitable restrictions of the layout of these corner properties, it appears unlikely that the dwellings could be constructed without requiring any first floor habitable windows in the rear elevation.
13. Having regard to the lack of privacy that would be provided for these plots it seems to me that the living conditions for the future occupiers of plot 4 and plot 5 would be unacceptable. Accordingly it would be contrary to Policy G1 of the RVLP which seeks to ensure that amongst other things developments provide adequate levels of privacy.

#### *Living Conditions – adjoining occupiers*

14. As a result of the distance between the existing dwelling on the appeal site and the adjoining houses on Inglewhite Road, there is very limited overlooking of the rear elevations and rear garden areas of these existing dwellings. The proposed development would result in houses being located in much closer proximity to No 63 in particular.
15. No 63 has a kitchen window located on its side elevation which would be facing the side elevation of the dwelling on plot 9. Although the appearance of the dwellings is a reserved matter I am satisfied that it would be possible to design a dwelling so that there would be no loss of privacy to this window in No 63.
16. The windows in the rear elevation of plot 9 would overlook the rear garden of No 63 in particular. No 63 has an attached garage located to the rear of the property on the boundary with the appeal site. I consider that this, together with the probable boundary treatment, would restrict any views into the rear garden from ground floor windows in the proposed dwelling. I accept that at first floor levels views into the rear garden of both No 63 and No 65 would be possible. However, such views would be of the bottom of the rear gardens furthest away from the house. In addition the overlooking that would be created would be no worse than the overlooking that already exists between these two properties at present.
17. Consequently, whilst the proposed development would materially alter the level of privacy enjoyed by the occupiers of No 63 and No 65 Inglewhite Road, I consider that adequate levels of privacy would be maintained. I am therefore satisfied that the proposed development would not materially harm the living conditions of the occupiers of No 63 and No 65 with regard to privacy. As such there would be no conflict in this respect with Policy G1 of the RVLP which seeks to ensure that amongst other things developments provide adequate levels of privacy.

#### *Other Matters*

18. There is agreement from both parties that the Council cannot currently demonstrate a 5 year supply of housing land. I am mindful in this respect, that the National Planning Policy Framework has a presumption in favour of

sustainable development unless the adverse impacts would significantly and demonstrably outweigh the benefits.

19. The deficit in supply is clearly a matter of some weight. However in this case, even though I have found that the proposal would not harm the living conditions of adjoining occupiers I consider that the benefits of an additional 9 houses would not outweigh the harm that I have identified would be caused to the character and appearance of the area and to the living conditions of future occupiers. Further I am mindful that the principle of residential development of the site is agreed by both parties and that this would not be the only way the site could be developed.

### **Conclusion**

20. All in all, for the reasons set out above, I consider that, on balance, the appeal should be dismissed.

*Alison Partington*

INSPECTOR