

Ribble Valley Borough Council  
Council Offices  
Church Walk  
Clitheroe  
Lancashire  
BB7 2RA

By Planning Portal

Our Ref: 1101.2.PL.AJO.Fn

16<sup>th</sup> January 2017

**F.A.O. Planning Services, Development Control**

Dear Sir/ Madam,

**Re: Planning portal Ref. PP-05758233  
Retrospective householder application to regularise implementation of planning permission ref. 3/2015/0317  
18 Netherwood Gardens, Brockhall Village, Old Langho, Blackburn, Lancashire, BB6 8HR**

Further to the recent exchanges of correspondence regarding the Breach of Condition Notice (BCN) issued against the above property, we submit a retrospective application to regularise the implementation of planning permission ref. 3/2015/0317.

This application is submitted on-line, via the Planning Portal and comprises of the following;

- i) Completed application form and correct certificates;
- ii) Site Location Plan;
- iii) Drawing No. 1398\_BRO\_01\_Planning\_Rev\_G – Existing and Proposed Plans & Elevations & Bat Roost Locations; and
- iv) Doc Ref. 1101.3.PL.AJO.Fn – Photo Schedule

The BCN issued on November 11<sup>th</sup> 2016 specifically related to works carried out to implement the first floor rear balcony and stated that condition 8 of planning permission ref. 3/2015/0317 had not been complied with. Condition 8 stated;

***The balcony hereby permitted shall be carried out in accordance with the approved plans. The remaining roof area of the extension shall not be used as a balcony, roof garden or similar amenity area without the prior written consent of the Local Planning Authority.***

***Reason: To protect the amenities and privacy of the neighbouring properties and in accordance with policy DMG1 of the Ribble Valley Core Strategy.***

The specifics of this condition referred to the balcony and roof area provided at first floor to the approved rear extension.

As stated in our correspondence of 12<sup>th</sup> December 2016, it is agreed that the physical works carried out to the rear balcony have not been implemented strictly in accordance with the approved plans.

As explained in that correspondence, currently, two balcony arrangements can be observed on the roof of the rear first floor extension. The first balcony arrangement is sited in accordance with the 3000mm by 3000mm balcony arrangement shown on approved drawing no. 1398\_BRO\_Planning\_Rev\_E. However, it does not adhere to the visual appearance of the balcony shown in this location. It comprises of a timber structure, as shown in photos 1 and 2 of the photo schedule submitted with this application.

The 'outer' balcony arrangement is sited closer to the roof edge and does visually accord with the approved details as were shown on approved drawing no. 1398\_BRO\_01\_Planning\_Rev\_E. This outer balcony detail is also shown in photos 1 and 2 of the photo schedule submitted with this application. The primary purpose for installing this 'outer' balcony is for safety purposes. It's primary purpose is to reduce the risk of danger to the applicant's young children and friends when they play within the permitted balcony area and may be inclined to venture beyond the inner balcony area.

It was unclear from the correspondence associated with the BCN if the Council were asserting that only the physical implementation of the 'outer' balcony comprised a breach of planning, or whether it was also asserted that a complaint had been made regarding the use of the balcony. To be clear, the area beyond the defined 3000mm by 3000mm area is not used as a balcony for amenity or leisure purposes. Occasional isolated instances when the applicant's young children may venture beyond the 'inner' balcony area, do not amount to activity in itself that would constitute a breach of planning permission ref. 3/2015/0317, insofar as the use of the roof balcony is concerned. As such it complies with the requirements of condition 8 in this regard and no breach has taken place. The overriding issue is one of safety. It is simply the physical works, in this location, to provide this safety barrier that currently comprises a breach.

The physical appearance of what now constitutes the 'outer' balcony feature, accords with what was approved by planning permission ref. 3/2015/0317, albeit to be sited in the location of what now constitutes the 'inner' timber balcony feature. The modest relocation of this approved balcony structure, closer to the edge of the balcony will have no greater impact on the amenities and privacy of the neighbouring properties, than it would have had in the position shown on approved drawing no. 1398\_BRO\_Planning\_Rev\_E. Furthermore it is not contrary to the provisions of policy DMG1 of the Ribble Valley Core Strategy, insofar as it relates appropriately to the design, scale and massing of the already approved extension

and will not result in a detrimental impact to the visual appearance of what has already been approved.

Overall, this application seeks retrospective planning permission for the material of the 'inner' balcony as implemented and for the siting of the 'outer' balcony feature, as shown on submitted drawing no. 1398\_BRO\_Planning\_Rev\_G.


In addition, the correspondence accompanying the BCN issued on 11<sup>th</sup> November 2016, also asserted that the balcony to the front of the property is an incongruous feature that has a detrimental impact on the appearance of the property and wider area.

It was clear from approved drawing no. 1398\_BRO\_Planning\_Rev\_E that a balcony feature existed at first floor level to the front of the property, albeit as an external balcony feature. Having regard to the same safety concerns as apply in relation to the rear balcony, the applicant has taken steps to internalise this balcony feature by introducing a glazed panel on top of the external balcony wall. The internal and external view of this glazed panel is shown in photos 3 and 4 of the photo schedule submitted with this application.

The addition of this glazed panel has not added to the bulk of the dwellinghouse, it has simply sought to internalise what was otherwise a relatively modest external space. Whilst broadly, a lot of the neighbouring dwellings follow a general pattern of scale, massing and use of materials, they also incorporate some individual design features to distinguish them with their own identity. The addition of the glazed panel in this instance has not resulted in the introduction of an incongruous feature that is detrimental to either the application dwelling itself, or the appearance of neighbouring properties and the wider area. Furthermore, the introduction of the glazed panel to the front balcony arguably constitutes work of a 'de-minimis' nature, that in itself does not constitute works within the statutory definition of development to require planning permission at all. However, for the sake of completeness and to respond to the matter raised by the Council, the introduction of the glazed panel has been included on the submitted revised plan.

I trust that you will have all of the information you require for this application and I look forward to receiving confirmation of its validation at your earliest convenience. Payment of the correct application fee of **£172** has been made under separate cover.

Yours faithfully



**Amanda Olley MRTPI**

**Director**

On behalf of Summit Planning Associates Ltd