



Appeal Decision

Site visit made on 10 October 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 25th October 2017

Appeal Ref: APP/T2350/D/17/3175772

18 Netherwood Gardens, Brockhall Village, Old Langho BB6 8HR

- 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 Mr Paul Lynch against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2017/0039, dated 16 January 2017, was refused by notice dated 21 March 2017.
 - The development proposed is described as: amendments made to front and rear first floor balcony areas following approval of planning permission (Ref: 3/2015/0317).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the local area.

Reasons

3. The appeal property is situated at the end of a residential cul-de-sac in a modern housing estate. The proposed development has already been undertaken and comprises the complete enclosure of a first floor, front balcony and the erection of two balustrades on the flat roof of a rear extension that has been adapted for use as a balcony. The first balustrade only encloses part of the roof and is constructed from wood whilst the second encloses the whole of the roof and is constructed from glass and steel. I shall deal with the effect of the implemented proposal on each elevation in turn.
4. Turning to the front elevation, I observed that the glazing has led to a highly discordant, incongruent visual impact on the host property. The size and design of the window is such that it lacks any sympathy with the original fenestration of the building which is smaller and subdivided. The negative impact goes beyond the glazing itself, however, because the space between the two gable ends has been filled thus removing a key architectural feature, namely the articulation of the first floor frontage.
5. I find these changes to be detrimental to the street scene of the cul-de-sac because the host property is one of three recurring designs. Whilst the designs provide a degree of individuality, they nevertheless help to create a cohesive architectural character which has clearly been disrupted by the implemented proposal. The impact is greater than would otherwise be the case given that

the host property is one of the most frequently occurring designs. Furthermore, its prominent position at the end of the cul-de-sac gives rise to extended views of this highly reflective, alien feature. The impact would also be present during the hours of darkness when the landing area is illuminated.

6. The appellant is of the opinion that the implemented proposal does not meet the statutory definition of development, was necessary to ensure child safety and that it was less harmful than the Council's suggestion.
7. Turning to the first matter, section 55(1) of the Town and Country Planning Act 1990 (as amended) states that: "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land'. As the enclosure of the balcony was clearly a building operation, I give this assertion negligible weight.
8. Turning to the second matter, I observed from other properties in the cul-de-sac that the original design comprised French doors. Given this fact, I have no evidence before me to justify why a child-proof, locked door was ineffectual nor why any alternative measures were unsuitable. Consequently, I give this matter little weight.
9. Turning to the third matter, I agree that the use of an isolated element from another design would not have been appropriate and would have led to a negative impact. However, this does not make the approach that was taken any more acceptable as the appellant could have chosen not to make the modification and leave the front elevation intact. Consequently, I give this matter little weight as well.
10. Turning to the rear elevation, I observed that the external balcony is a lightweight structure that enables largely, un-impeded views of the host property. The Council have acknowledged that the visual impact of these structures is limited because they do not add to the bulk of the dwelling and I agree. Whilst the materials do not match, this could be controlled by the use of a suitable condition.
11. The Council has expressed concern that the retention of the two structures would compromise its ability to take enforcement action in the event that the whole of the flat roof is brought into use. However, I note that the relevant condition states that its use is restricted to an area that is shown on the relevant plans and, by the Council's own admission, demarcated by the wooden balustrade.
12. Bearing in mind that the area of permitted use can be clearly viewed through the outer balustrade, I am not satisfied that its presence would compromise the ability of the Council to take enforcement action on the basis of the reasoning that is before me. I also note that the Council is satisfied that the current arrangement would not have a negative impact on the occupants of neighbouring properties.
13. Notwithstanding the acceptability of the alterations that have been made to the rear elevation, I conclude that the implemented proposal has, on balance, caused significant harm to the character and appearance of the local area contrary to policies DMG1 and DMH5 of the Ribble Valley Borough Council Core Strategy 2008-2028 (2014). These policies seek, among other things to

ensure that all development achieves a high standard of building design and that any alteration to an existing building conforms to this standard. As such, the proposal would not be in accordance with the development plan.

Other Matter

14. The appellant has questioned the professional judgement of the case officer and pointed out that no specialist design advice was sought. The competency of Council officers and the provision of specialist advice are internal matters that do not fall to be considered in the appeal process which should be based on matters directly related to the individual planning merits of each case.

Conclusion

15. For the above reasons and having regard to all other matters raised I conclude that, on balance, the appeal should be dismissed.

Roger Catchpole

INSPECTOR