

## No. 8 Back Lane:

### Supplementary Statement in respect of Visual and Residential Amenity



#### Background

The application site has been recently acquired by the applicant having been empty and on the market for two years. This 1970s property is tired, out-dated with an internal layout that does not respond to modern family lifestyle requirements. Its long term vacancy and neglected appearance is causing some concern to the occupants of neighbouring properties. The proposed extensions subject to this application are part of a comprehensive scheme of remodelling to enhance the functionality and the visual appearance of the building in a way which respects its simple overall form and resonates with the more positive characteristics of its surroundings, particularly the new aesthetic introduced by the modernisation of neighbouring properties. It is considered that the overall design is high quality and will enhance the visual amenities of the immediate surroundings.

This is a new planning application which has been amended to minimise impacts on neighbouring residential amenity (living conditions) to an acceptable level in accordance with the findings of the Inspector in the recent appeal decision (ref: APP/T2350/D/19/3243899) following the refusal of planning permission 3/2019/0777.

The appeal was dismissed by the Planning Inspectorate on 17.08.20 on the grounds that the proposal would have a significantly harmful effect on the living conditions of the occupiers of No 12 arising from a loss of privacy from the proposed two storey front extension. In concluding his assessment the Inspector stated: *"There would also be some loss of light and outlook for the occupiers of No 10, as well as an increased sense of enclosure in the rear garden of No 10. **For the reasons I have described** [in paragraphs 7-9] **I do not consider that the proposal would cause significant harm to the living conditions of the occupiers of No 10 if looked at in isolation**".*

#### The Site and its Surroundings

The application site is located in an elevated position to the south of Back Lane and within the settlement boundary of Rimington.

The application property is a two storey, link detached dwelling with attached single storey garage structure (converted to a dining room) with a hardstanding parking area to the front and garden to the rear. The site is accessed from Back Lane by a private drive. The house is set substantially back from Back Lane and is largely screened from views by the properties to the immediate north (Nos. 12 and 14). The rear curtilage of the site is self-contained being enclosed along its

boundaries by close board fencing and some mature planting. To the far south is the rear curtilages associated with Pendle Terrace.



Existing front (north west facing) elevation



Existing rear (south east facing) elevation



View north to Back Lane from the private drive and the rear of No. 12 Back Lane.



View south from Back Lane. The property is substantially screened from view by No. 12

The property forms part of a small development built in the 1970s and though many of the neighbouring properties have been substantially extended and modernised over the years No. 8 remains largely unaltered (with the exception of the garage conversion). The application property is faced in artificial stone with timber windows under a concrete tile roof.

The application site is attached to the neighbouring property to the west (No. 6 Back Lane) by a single storey garage which has at some point been converted into a dining room. To the east, and positioned significantly forward of the application property, is a detached dwelling (No. 10) which has been substantially extended to the side and rear.

### **Proposal:**

This is a new planning application which has been amended to minimise impacts on neighbouring residential amenity (living conditions) to an acceptable level in accordance with the findings of the Inspector in the recent appeal decision following the refusal of planning permission 3/2019/0777. The appeal was dismissed by the Planning Inspectorate on 17.08.20 on the grounds that the proposal would have a significantly harmful effect on the living conditions of the occupiers of No 12. The proposal has been revised to remove the front two-storey extension from but is identical in every other respect as set out below:

**Two storey rear extension including an extension of the flat roof single storey garage structure:**

The proposed extension has been designed to allow the opening up of the internal layout to create an open plan kitchen/dining/living area with a connection to the garden. The upper floor provides the opportunity to remodel the first floor layout to create better proportioned bedrooms with ensuite facilities. The two storey extension will measure 6.68m (width) by 4.0m (depth) with an eaves height of 5.0m. The ridge is set below that of the main dwelling. The extension of the flat roof single storey garage structure will measure 1.23m (width) x 2.45m (depth) and 2.37m (height). There is a mix of materials in use on neighbouring buildings including render, pebbledash and artificial stone. It is proposed to use a render finish to differentiate the extension as a contemporary addition, a finish approved at No 12 as described above. The roof will be grey slate and the main property re-roofed to match. This material has been chosen to complement the two most recently re-roofed properties in the immediate area, No 4 and No 12 Back Lane. Windows will be timber framed with aluminium bi-folding doors to the ground floor.

**The erection of a single storey side extension:** To provide a wc and small utility room which will also function as a side entrance to the property. This is critical to the functionality of the internal layout as proposed. The extension will taper from a width of 1.05m to 2.65m to correspond with the boundary. It will measure 5.30m in depth with an eaves height of 2.17m. The structure has been designed to appear as a subservient addition to the main dwelling being a lean-to style and finished in horizontal timber cladding to reinforce its secondary nature and relationship with the garden.

#### **Impact on Visual Amenity**

In consideration of application 3/2019/0777 the LPA found that the proposed development would not result in a significant impact on the visual amenity or character of the surrounding area such that it would warrant a refusal on visual amenity grounds.

This view was upheld by the Inspector, in his report at paragraph 13, which states that *“although the proposal would represent a substantial expansion of the host property, no concerns were raised that it would have a harmful effect on the character and appearance of the area. None of the evidence before me or my observations at the time of my site visit lead me to a different conclusion”*.

The amended proposal does not introduce changes that would result in a materially different impact on visual amenities and for the reasons set out above, the proposal will remain in compliance with Policy DMG1.

#### **Impact on Residential Amenity**

The nearest neighbouring properties include Nos. 6, 10 and 12 Back Lane. The impact on the residential amenities (living conditions) is set out below having regards to the Inspectors findings and site specific factors that would mitigate against any harm arising.

**Impact on the amenities of No 6 Back Lane:** In consideration of application 3/2019/0777 the LPA found that the proposed development would not result in any significant impact on the residential amenity of the adjoining neighbour at No 6. This view was upheld by the Inspector, in his report at paragraph 10 he states that *“because of the separation between the proposed extension and No 6, as well as the alignment of the two properties, no harmful effects on the living conditions of the occupiers of No 6 were identified by the Council. None of the information before me leads me to a different view.”* The amended proposal does not introduce changes that would result in a materially different impact on No 6 and for the reasons set out above, the residential amenities of will not be adversely impacted by the proposal.

**Impact on the amenities of No 12 Back Lane:** The proposal has been amended in light of the Inspector's findings in that it removes the front extension which the Inspector found to have a significantly harmful effect on the living conditions of the occupiers of No.12 arising from a loss of privacy. Accordingly the residential amenities will not be adversely impacted by the proposal.

**Impact on the amenities of No 10 Back Lane:** In consideration of application 3/2019/0777 the LPA found that the proposed rear extension would cause a detrimental impact on the residential amenity of No.10 due to a significant loss of light, overbearing and overshadowing on the rear elevation and amenity space of 10 Back Lane. In concluding his assessment the Inspector stated: ***“There would also be some loss of light and outlook for the occupiers of No 10, as well as an increased sense of enclosure in the rear garden of No 10....For the reasons I have described I do not consider that the proposal would cause significant harm to the living conditions of the occupiers of No 10 if looked at in isolation”.***

The Inspector found some loss of amenity (impact on the living conditions) of the occupiers of No 12 but did not consider that the degree of loss would cause significant harm to living conditions of the occupiers for the following reasons:

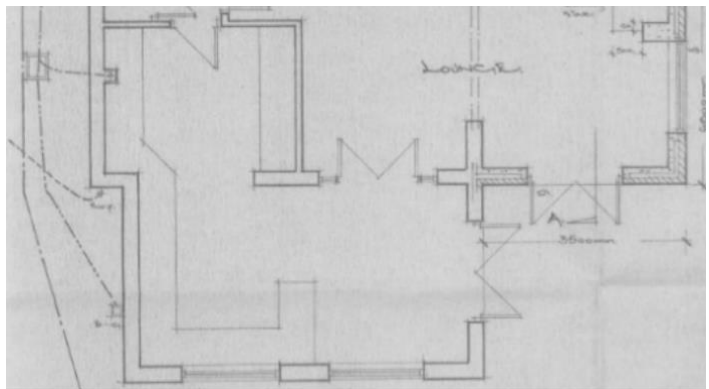
Impact on the rear garden of No 10: The Inspector, at paragraph 9, finds that there would be some increased overshadowing and greater sense of enclosure to the rear garden of No 10 but does consider that this would amount to significant harm because of the angled boundary between the two properties, as well as the slope and reasonably generous size of the rear garden of No 10.

Impact on first floor rear windows of No 10: The Inspector, at paragraph 8, finds that the development would not lead to harmful overshadowing or harmful effect on the outlook to the nearest first floor habitable room window.

Impact on the nearest ground floor window of No 10: The Inspector, at paragraph 7, finds that there would be a reduction in daylight and some loss of outlook from the kitchen window nearest to No 8 that would be detrimental to the living conditions of the occupiers. However he found that the loss of amenity would be mitigated somewhat by the presence of another larger window and, on a different elevation, a double doorway serving the dining area within the same room.



Rear elevation No 10 Back Lane



Layout of No 10 Back Lane

Furthermore, I would add the following to mitigate the loss of amenity identified by the Inspector.

- Though there would be some reduction in daylight to the window that serves the kitchen part of the dining/kitchen room, this would not result in an unacceptable impact on amenity having regard to the overall (more than adequate) provision of window openings/natural sources of daylight for this room, their orientation and the size of room that they serve. The affected window is not the principal light source to the extension. The principal window is a larger south east facing double window that serves the dining area and is not affected by the proposal. The Inspector refers to this window as a mitigating factor. There are also patio doors and a rooflight. It is therefore considered that any loss of daylight to the affected window would not be so detrimental as to result in unacceptable levels of daylighting to the kitchen/dining room when

considered as a whole. The proposal would therefore accord with the requirements of DMG1, that development should provide adequate day lighting.

- In respect of outlook, the affected window is positioned at ground floor level approximately 2.0m from the shared boundary fence which is over 2.0m high. The outlook from the window is therefore already obstructed by the boundary fence. Moreover, given the outlook from the principal window to this room is unaffected by the extension, the proposal would not result in a significant enough negative impact on the room as a whole to justify refusal of permission under DMG1.

For the reasons set out above it can be demonstrated that the reduction in daylight and outlook to No 10, when balanced against mitigating factors, would not result in a significant enough impact to justify refusal of permission. This would accord with the Inspector's findings that the rear extension would "***not cause significant harm to the living conditions of the occupiers of No 10 if looked at in isolation***".

### **Conclusion**

For the above mentioned reasons, it is considered that the proposed extension would result in a degree of harm that is satisfactory insofar as it would not cause sufficiently adverse impacts on residential amenity in accordance with Policy DMG1. This supports the conclusion drawn by the Inspector that the rear extension would "***not cause significant harm to the living conditions of the occupiers of No 10 if looked at in isolation***" which should be given significant weight as a material planning consideration in the overall planning balance.

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