

NEXT PHASE

THE TOWN PLANNING EXPERTS

Submission to the Planning Inspectorate

Statement of Case due to the refusal of planning permission in accordance with
Section 78(1) of the Town and Country Planning Act 1990

Local Planning Authority: Ribble Valley Borough Council
Application No: 3/2022/0031

Statement of Case to the Planning Inspectorate for proposed two storey and single
storey extensions to rear including balcony, and conversion and extension of existing
garage to form granny annexe including raised decking (resubmission of
application 3/2021/0963) at Tanner House Farm, Higher Ramsgreave Road,
Ramsgreave, BB1 9DJ

STATEMENT OF CASE

On behalf of Mr & Mrs P Dunlop

May 2022



1061/01

Statement of Case – 3/2022/0031

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Mr & Mrs P Dunlop

May 2022

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1.0 INTRODUCTION

- 1.1 This Statement of Case has been prepared for the attention of the Planning Inspectorate in accordance with Section 78(1) of the Town and Country Planning Act 1990 on behalf of the appellants, Mr & Mrs P Dunlop.
- 1.2 This report provides a statement of case against the refusal of planning permission issued by Ribble Valley Borough Council (*“the Council”*) on the 13th May 2022 in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 1.3 Planning permission is sought for a proposed two storey and single storey extensions to the rear including balcony, and conversion and extension of an existing garage to form a granny annexe including raised decking at the property known as Tanner House Farm, Higher Ramsgreave Road, Ramsgreave, BB1 9DJ.
- 1.4 This statement provides a clear explanation of the statement of case and directly responds to the reason for refusal brought forward by the Council within their Decision Notice.
- 1.5 This appeal has been prepared with the intention of appealing via the written representations route and refers to documentation throughout that formed part of the application submission and is noted in the appeal submission documentation list where appropriate. Appendix I provides a supportive letter from the adjacent neighbour for which the refusal was partly brought in relation to.

2.0 STATEMENT OF CASE

2.1 Reason for Refusal

The Council refused the application for a single reason which is contested by the appellant and as such this statement of case against this reason for refusal is outlined within this submission.

2.2 Reason for Refusal 1 Detail

“The proposed rear two-storey extension results in harmful overbearing, overshadowing and overlooking impacts to the amenities of Tanner House Barn. This is contrary to Policy DMG1 and DMH5 of the Ribble Valley Core Strategy”.

2.3 The Council considered that the proposal by way of its introduction would offer amenity harm to the adjacent neighbour at Tanner House Barn with regard to an overbearing and overshadowing impact on the proposed rear extension. It is the appellant’s assertion that the proposal offers a negligible impact upon the amenity of the neighbouring property, once the configuration of that property is taken into consideration and, in offering no measurable impact is appropriate development in Development Plan terms.

2.4 Consideration of the Council’s position is identified by way of the Delegated Officer’s Report; the report itself identifies that the principle of development is sound in Development Plan terms and the design of the proposal with regard to its materiality and configuration is otherwise considered appropriate outside of the context of amenity impact.

- 2.5 The proposed construction of an annexe associated with the proposal within the context of the appeal property's existing garden space is considered appropriate and no basis of refusal is raised in this regard.
- 2.6 The basis of the Council's reason for refusal therefore comes down to their consideration that the proposed rear extension to the host building offers harm to the amenity provision of the adjacent property known as Tanner House Barn.
- 2.7 No reason for refusal is raised within the context of the proposed development within the character and appearance of the wider area, insofar as the proposed two storey rear extension offers no visual impact upon the adjacent streetscene and its intervisibility is distinctly limited due to the scale and interrelationship between the host property and Tanner House Barn, and the provision of a driveway between the two properties.
- 2.8 Whilst the Council identified that the set down and set in of the proposed rear extension from the southwest gable and the house's ridge respectively is "*minimal*" it is nonetheless identified that such set down and set in exists and has been otherwise determined to be appropriate within the context of providing subservience in character and appearance terms.
- 2.9 The Council have however considered that the proposed extension would have a "*harmful overbearing and overshadowing impact*" upon the amenities of Tanner House Barn, however the context of such position has not been sufficiently outlined and nor has the extent of harm been identified. The limitation of the Officer's comments relate to a consideration that there would be an overshadowing and overbearing impact upon the windows of ground floor and first floor level "*closely adjoining*" with the ground floor window recently being enlarged.
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- 2.10 However, the position fails to take into context a number of considerations with regard to the interrelationship between the two properties.
- 2.11 Firstly, the proposal has been designed in so as to respect the 45° line from associated windows to the rear most elevation of the adjacent property; thus protecting the associated outlook of the adjacent property and substantially mitigating for the appeal property proposals impact.
- 2.12 Secondly, the impact of the proposed extension is substantially reduced by way of the functionality of the side and rear treatment of the area most adjacent to the extension within the neighbour's landholding; which is a driveway and provides rear vehicle access for parking as a rear yard location adjacent to the substantial independent outbuilding of the neighbour's property. The configuration of the neighbouring property provides its predominant garden amenity space beyond the outbuilding, to the northern most extents of its landholding, which further reduces down the associated overbearing impact the proposed development would offer.
- 2.13 Thirdly, the neighbouring property's viewpoints extend predominantly north westwards, taking into consideration the configuration of the property and its associated outlook as a result and taking into consideration the fact that that property is deeper than the appeal property. As such the proposed extensions further mitigated for by way of the existing setback of the appeal property in rear elevational terms.
- 2.14 Insofar as there is any distinct interrelationship between the appeal property and its adjacent neighbour; there is sufficient distinction created by way of configuration of the dwellings, the proposed design of the appeal's extensions and the functional use of the land in between the properties so as to substantially mitigate for any overbearing impact the proposal offers.
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- 2.15 In terms of overshadowing, the impact would be limited due to the orientation of the sun, and any impact would be located within a functional driveway area of the adjacent property's rear garden space, rather than their predominant private amenity space.
- 2.16 It can be reasonably concluded therefore that the impact in this regard is limited and sufficiently addressed by design mitigation and as such the proposal is in direct accordance in this respect with Policy DMH5 and Policy DMG1.
- 2.17 With regard to overlooking, the Council's consideration comes in the form of the proposed first floor inset balcony brought forward within the proposed extensions, insofar as they are considered to offer *"elevated views across a substantial part of the Tanner House Barn garden"*.
- 2.18 It should be noted that the interrelationship between two storey dwellings will always offer a degree of overlooking into the garden space of neighbouring properties; the impact in terms of privacy in neighbouring amenity terms comes down to whether such overlooking offers any substantial impact beyond that established baseline.
- 2.19 The Officer's position fails to take into consideration that the proposed balcony is of inset design; as such it provides for the retention of full height walls which wraparound the extent of the balcony and limit direct viewpoints into the adjacent garden space, focussing views directly northwards to the countryside beyond the site.
- 2.20 Insofar as any impact upon private amenity exists, it is compromised by way of the approach to design and as such does not offer any substantial impact beyond the established baseline of intervisibility of rear garden amenity spaces between two storey neighbouring properties.
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- 2.21 In this respect therefore there is no measurable increase in terms of privacy impacts created by way of the proposed development; and the proposal as such accords with the expectations of DMG1 and DMH5 as can be applied.
- 2.22 It is considered overall therefore that the proposal accords with the Development Plan as can be applied; the extensions are not considered to offer any measurable residential amenity impacts to neighbourhood properties that are more offset by way of appropriate and sufficient design mitigation and insofar as the principle of development is otherwise in accordance with the Development Plan, it is considered that no material harm is proposed to outweigh the associated benefits.
- 2.23 Therefore it is considered that the proposal can be defined as sustainable in Framework terms, and it is respectfully requested that the appeal is upheld and planning permission is granted for the proposal.

3.0 CONDITIONS OF PLANNING

- 3.1 It is considered that the standardised conditions with regards to timeframes and plans should be adopted. Pre-commencement conditions to confirm the specification of facing materials is also considered to be reasonable and appropriate.

Appendix I: Letter of support from neighbour

 Sent

Letter of Suppor...



email

Dear Adrian Dowd,

Re: Tanner House Farm Planning Application Ref: 3/2022/0031

My neighbour at Tanner House Farm has requested a letter of support for planning application reference: 3/2022/0031, hence I would like to express my support for this planning application.

Yours sincerely,



Mohammed Patel
Tanner House Barn
Higher Ramsgreave Road
B81 9DJ



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