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CHARTERED BUILDING SURVEYORS

Unit 1 Victoria Mill, Watt Street, Sabden,



PLANNING APPEAL

STATEMENT OF CASE

5 Grindleton Road, West Bradford, BB7 4TE

This statement is made in support of a written appeal against the decision of Ribble Valley Borough Council to refuse the householder planning application reference number 3/2022/0118, which proposed a single storey rear extension and side dormer.

SITE LOCATION

The site is situated to the north west of Grindleton Road, within the village of West Bradford. The property is a two storey semi-detached house, it is attached to No 7 Grindleton Road to the north east and to the south west is another pair of two storey semi-detached houses. On the opposite side of Grindleton Road there are a further 5 pairs of semi-detached houses.

THE APPEAL PROPOSAL

The proposals involve the construction of a single storey rear extension which would infill the area between the existing single storey part of the house to the rear and the garden wall on the boundary of the attached house (No 7 Grindleton Road) to the north east. The single storey extension would have a mixture of brick and rendered walls, and a partially slated and partially flat roof. The single storey extension would measure 4m from the rear wall of the house and extend to 3.75m wide, the extension would abut the existing rear wall to the single storey section of the property to give an overall width to the extended single storey element of 6.55m. The overall height of the single storey extension would be 3.56m, with an eaves height of 2.6m.

The proposed development also includes a side dormer which is the same size as the dormer on the neighbouring property (No 3 Grindleton Road). The dormer wall is 2.3m wide at its maximum (when viewed from Grindleton Road, the ridge line extends 3.5m beyond the original ridge/hip line junction and the proposed dormer is 2.7m high. The dormer width to the side elevation is 3.95m.

THE CASE

It is respectfully submitted that the issue for consideration in this appeal is that the single storey extension would not adversely affect the residential amenity of No 7 Grindleton Road, nor would the proposed side dormer be a detriment to the character and visual amenity of the area.

APPROPRIATENESS OF THE PROPOSALS

The Local Planning Authority (LPA) in its decision notice states the proposed single storey rear extension, by virtue of its scale and outward projection in proximity to habitable room windows, would have an overbearing impact leading to an “unacceptable loss of natural light and outlook” for the adjoining neighbours at No 7 Grindleton Road. The appellant disagrees.

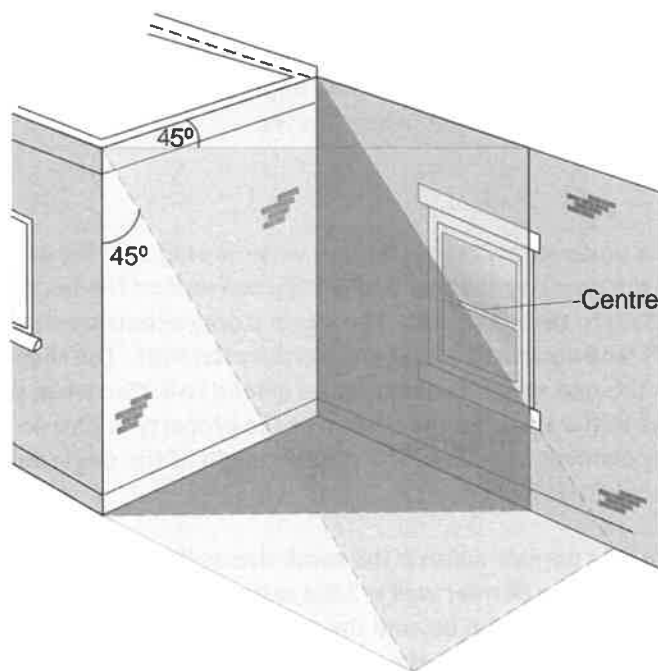
PROPOSED REAR EXTENSION

Re: Loss of Light

As set out in the covering letter submitted with the planning application and as indicated on submitted plan 127 – 04, the proposed single storey extension will not lead to an unacceptable loss of light in accordance with the generally accepted 45 degree guidance as set out in the BRE Trust funded ‘Site Layout Planning for Daylight and Sunlight – A guide to good practice’. Please refer to Diagrams 1 and 2 below. Furthermore, the extension has been specifically designed to minimise the height adjacent to the boundary with no 7 Grindleton Road by incorporating a hipped roof pitching away from boundary.

Diagram 1

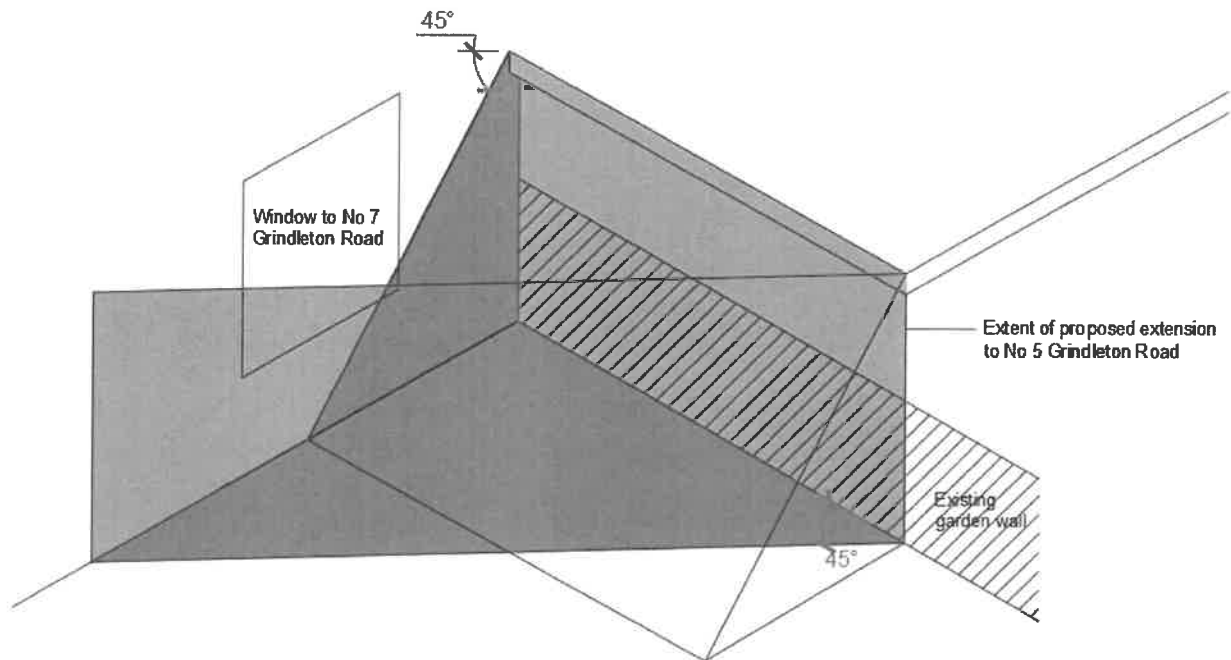
Extract (diagram and text) from ‘Site Layout Planning for Daylight and Sunlight – A guide to good practice’ (Page 9 Figure 17)



*Figure 17: Application of the 45 deg approach to a domestic extension. A significant amount of light is likely to be blocked if the centre of the window lies within the 45deg angle on **BOTH** plan and elevation. Here the centre of the window lies outside the 45 deg angle on elevation, so the impact of the extension is likely to be small.*

Diagram 2

Application of the 45 deg approach to the proposed extension.



Applying the 45 degree guide as set out in Diagram 1 to the proposal, the centre of the window does not lie within **both** angles, it being well outside the 45 degree line on elevation, more so than that indicated in the guide, so it can be concluded that the impact of the extension is likely to be very small and not constitute an “unacceptable loss of light” as suggested by the LPA.

It is also worth noting that two of the 5 semi detached houses across the road from the proposal, No 12 (ref application no 3/1991/0083) and No 26 (ref application no 3/2009/0460P) have had part single, part two storey rear extensions approved by Ribble Valley Borough Council. The impact of those extensions on the windows of the adjoining properties, when weighed against the guidance, the single storey elements regarding the 45 degree horizontal lines and the two storey elements regarding the 45 degree vertical lines are equal to and in excess (vertical lines) of those for the proposal at No 5 and yet the LPA do not consider them detrimental to the amenity of the adjoining properties.

PROPOSED REAR EXTENSION

Re: Outlook Tunnelling & Overbearing

The delegated report and decision notice state the proposed single storey extension would lead to an “unacceptable loss of outlook and tunnelling effect should the plans be passed”. However, the existing outrigger to No 7 Grindleton Road is 4m away from the boundary line, the appellant does not believe this will lead to a tunnelling effect, loss of outlook nor be overbearing as suggested by the LPA.

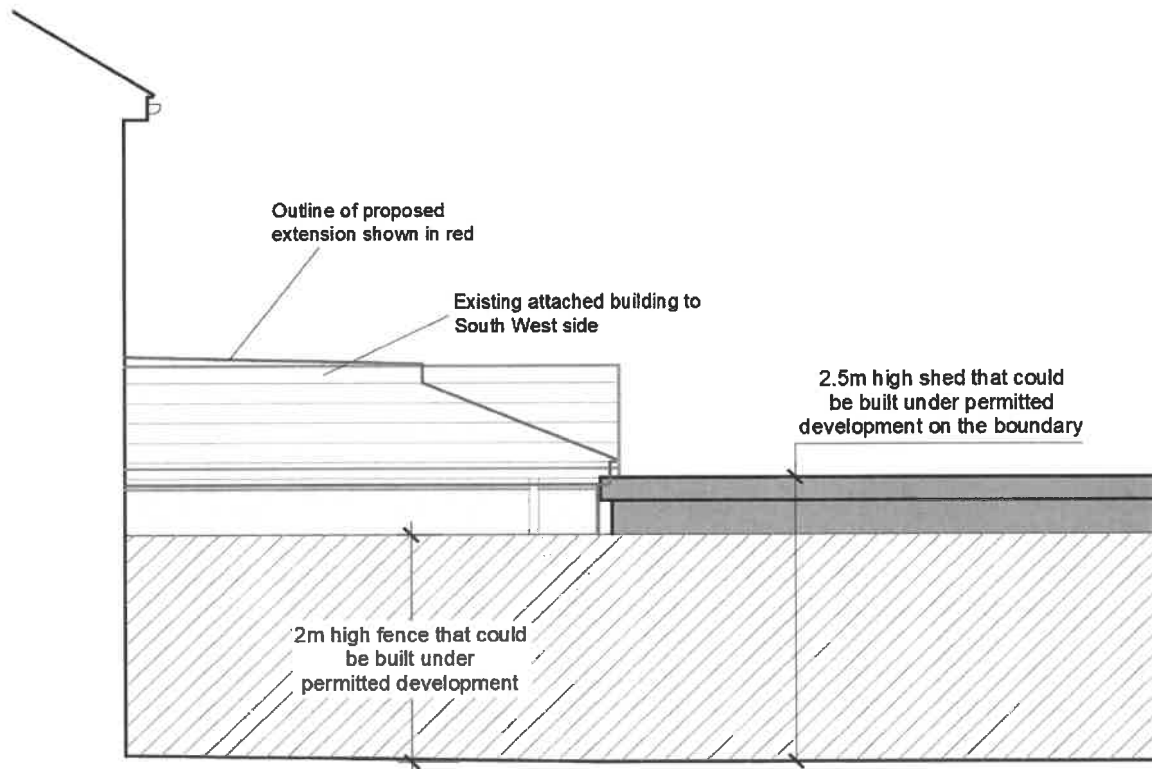
With regard to the proposal under consideration, the design specifically incorporates an eaves adjacent to the boundary with a slated hipped return away from the adjoining property, minimising its impact and therefore the appellant strongly disagrees that it would be overbearing. With regard to “tunnelling” the appellant considers it relevant to suggest that the erection of a 2m high solid boarded fence could be erected under Permitted Developments as could a 2.5m ancillary

outbuilding, both as shown in Diagram 3, and both of which may be considered to create a far greater “tunnelling” effect than the proposal.

The appellant would also suggest that the two approved developments previously referred to, at Nos 12 and 26 Grindleton Road, by nature of the two storey elements, albeit that they are further away from the boundary and extend circa 900mm less (in the case of No 26) from the host property, create a far greater impact with regard to overbearing and loss of outlook than the development under consideration.

Diagram 3:

Outlook Tunnelling & Overbearing



As shown above, the outline of the proposed extension (in red) would create only a marginal increase with regard to “outlook” on the neighbour at no 7 Grindleton Road as would be allowed by the erection of a solid boarded fence and / or ancillary outbuilding, both of which could be constructed under Permitted Development. Given that the neighbour hasn’t objected to the proposals, and the extension when weighed against the 45 deg guidance does not cross both angles, there is no evidence to suggest the extension would have an overbearing impact leading to an unacceptable loss of natural light and outlook for the adjoining neighbours at No 7 Grindleton Road , as the refusal notice suggests.

APPROPRIATENESS OF THE PROPOSALS

The decision notice states that the proposed side dormer would result in the “*introduction of an incongruous form of development, which is of detriment to the character and visual amenities of the area*”. The appellant disagrees.

PROPOSED DORMER

The proposed side dormer is the same size and incorporates the same hipped roof design as the neighbouring side (facing) dormer to No 3 Grindleton Road. The delegated report states that the side dormer to No 3 Grindleton Road is an *“anomaly, which visually imbalances the semi-detached pairing”*. However, if a side dormer was approved on No 5 Grindleton Road it would achieve a visual sense of balance between the 2 semi detached buildings, as the roof lines would be identical, bringing a sense of symmetry to the dwellings and the street scene.

The decision notice states the proposed side dormer *“fails to respond positively to the inherent character of the immediate roofscape and street scene”*, however, it has been designed to mirror (apart from the fenestration) the adjacent side dormer that was considered acceptable by the LPA in 2012. The side dormer to the adjacent No 3 Grindleton Road (application ref 3/2012/0743) at the time was initially refused, the delegated report relating to this initially refused application stated that *“there were no side-dormers on either side of Grindleton Road and allowance of said dormer would set a precedence”*. However, the side dormer at No 3 was approved on a subsequent application (3/2012/1047), which would suggest the LPA were comfortable with setting a side dormer precedence for Grindleton Road.

The planning officer who dealt with application 3/2012/1047 in the delegated report stated *“with regards visual amenity, the property is within, albeit on the edge, of a nationally important landscape, the Forest of Bowland AONB, therefore protecting, conserving and enhancing the landscape and character of the AONB (Policy ENV1 of the DWLP) is considered to be the most important consideration in the determination of this application. After much consideration, given that a modern housing estate exists at the rear of this property which detracts significantly from the visual amenities of the AONB when travelling along Grindleton Road, it is considered that allowance of this dormer would not detract so significantly from the visual amenities of the immediate locality to warrant refusing the application on this ground.”* Consistency in planning decisions is recognised case law and it is the appellant's view that the LPA should be consistent in their decision making and the appeal be allowed.

The delegated report for this application states the proposed side dormer is *“contrary to Policy DMG1 as it isn't sympathetic to the existing and proposed land uses and it will adversely affect the amenities of the surrounding area”*. The appellant disagrees, it is sympathetic to the existing land uses as it matches the adjacent side dormer in terms of scale, massing and style. The amenity of the surrounding area is determined by what is present, an additional side dormer in the area isn't going to adversely affect the amenity of the surrounding area given there is already one visible on the neighbouring property. As such the proposed side dormer is in accordance with Policy DMG1.

DISCUSSIONS DURING THE PLANNING PROCESS

During the application process there was no correspondence from the LPA or planning officer. The application was a re-submission of application 3/2021/0965, this was also refused without any correspondence from the LPA or planning officer. Following the refusal of the initial application, the LPA were contacted to discuss the refused application and subsequent application to be submitted, mainly to clarify the 45 degree guidance in relation to the rear extension. However, a response was received to say the LPA did not have capacity to comment and I should put my comments forward in the re-submission. The comments were set out in the covering letter submitted with the planning application, however, despite the request to the LPA to engage in discussion should they have any concerns, the LPA refused the application without any prior correspondence or opportunity to discuss the proposals.

CONCLUSION

A householder planning application has been submitted for a single storey rear extension and side dormer.

The reason for refusal in relation to the single storey extension is "residential amenity". Given that the proposal, when weighed against the "Site Layout Planning for Daylight and Sunlight" with regard to the 45 degree guidance, (set out in Diagrams 1 and 2) does **not** lead to a significant loss of light and importantly, as the neighbours **have not objected to the proposals**, the LPA's concerns in relation to residential amenity appear unfounded.

The concerns in relation to the side dormer relate to the proposals being of detriment to the character and visual amenity of the area. However, the proposals mirror the side dormer on the adjacent property (No 3). Consequently, an additional side dormer on the neighbouring property (No 5) would not be harmful to the visual amenity of the area, but conversely would provide a uniformity and balance to the 2 pairs of semi detached houses when viewed from Grindleton Road, as the roof lines would be identical.

It is respectfully requested that this appeal is allowed, and planning permission granted for the single storey rear extension and side dormer at No 5 Grindleton Road.

LOUISE READ MRICS

April 2022