

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

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APPEAL STATEMENT

TOWN & COUNTRY PLANNING ACT 1990

Planning Inspectorate Reference:	APP/T2350/W/23/3329857
LPA Application Reference:	3/2023/0464
NGR:	SD 376116 434396

Appeal by Ms Claire Yates

Against the decision of Ribble Valley Borough Council to impose an additional planning condition as part of an approval of planning permission for a domestic extension with balcony at 107 Whalley Road, Read BB12 7RP.

**WRITTEN REPRESENTATIONS SUBMITTED ON BEHALF OF
THE LOCAL PLANNING AUTHORITY**

1. Introduction

1.1 This appeal is against the decision of Ribble Valley Borough Council to impose an additional planning condition as part of an approval of planning permission for a domestic extension with first floor balcony at 107 Whalley Road, Read.

1.2 The planning condition subject to this appeal is as follows:

Notwithstanding the submitted plans, the rear balcony hereby approved shall comprise two solid privacy screens at a minimum height of 1.8m on both the Eastern and Western sides which shall be constructed in materials to match the proposed single storey extension of buff brick and white render and shall be fully constructed prior to the first use of the balcony and shall thereafter be retained in perpetuity.

Reason: In order to ensure that the development does not result in any undue impact on residential amenity.

2. The Appeal Site

2.1 The appeal site is located within the residential curtilage of No.107 Whalley Road, Read. The dwelling is located on Southern side of Whalley Road being at the very Eastern extents of the Ribble Valley Borough. The property has two immediately adjacent neighbours, known as No.109 and No.105 Whalley Road.

3. Relevant Legislation & Guidance

3.1 Where an application is made to a local planning authority for planning permission, the local planning authority may grant planning permission subject to any conditions required in order to make a development acceptable. Paragraphs 55 and 56 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only imposed where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and

6. reasonable in all other respects.

These are referred to in this guidance as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply. All of these 6 tests are met in this instance.

4. Case of the Local Authority

- 4.1 An application for planning permission was made to the Council by the appellant on 12th June 2023. The application in question sought consent for the construction of a single-storey rear extension measuring 1.5m in length and extending the entire width of the dwelling. The proposed extension would accommodate a first-floor balcony on top of it.
- 4.2 The proposal was then assessed against the Council's Development Management policies as set out in the adopted Ribble Borough Valley Core Strategy 2008 – 2028 in the same manner as all planning applications.
- 4.3 During the assessment, it was recognised that a certain level of overlooking into private amenity space can already be afforded via the existing first floor windows at the application site. However, a balcony introduces a different type of development to that from a window. Viewing from an external platform is far more intrusive, resulting in a harmful increase in overlooking and subsequent loss of privacy. There is also the perception of overlooking and loss of privacy particularly as a balcony is often used as an additional seating/dining area and provides an elevated view above that of the adjacent properties. The existing level of overlooking from first-floor windows does not in itself provide justification to exacerbate the issue.
- 4.4 The balcony would be sited above the proposed extension and project 1.5m from the existing rear elevation of the application dwelling. The distance between the balcony and the neighbouring gardens is therefore less than the distance between the existing first-floor windows and neighbouring gardens. As a result, an increased level of overlooking is created. Moreover, the projection will allow for a person to be stood forward of the rear building line of the neighbouring properties which as a result creates potential for looking northwards towards the existing first floor windows on the Western gable of No.105 Whalley Road.

There is approximately 6.5m between the Eastern edge of the balcony and the western gable elevation of the neighbouring dwelling. Notwithstanding the existing single storey garage element this distance is minimal and would result in potential for direct overlooking into neighbouring windows at no. 105, in addition to the potential for overlooking of the private amenity space.

- 4.3 Therefore, it was concluded that privacy screens were necessary in order to for the scheme to be acceptable in amenity terms. Following a discussion with the agent amended plans were submitted detailing glazed privacy screens to either side of the proposed balcony. Following a review of these amendments, there were still concerns that the glazed screens would not afford sufficient privacy for the neighbouring properties. Given the limited distance between the development and the Southern elevation of No.105, together with the increased level of overlooking into neighbouring amenity space, it was considered that solid privacy screens would be necessary in order to mitigate the proposed harm and ensure the scheme was acceptable. To avoid the need for further plans, it was agreed verbally with the agent that solid screens would be provided by means of an appropriately worded condition. No objections were raised by the agent to this proposal at that time.

- 5.8 Hence, a condition was attached to the grant of permission (see section 1.2) to ensure that the proposed works would be carried out accordingly. National guidance on the use of planning conditions notes that:

“When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects...it is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls”.

- 5.9 As such, the inclusion of the condition being appealed is fully justifiable on the basis that it is imposed in order to address an element of the scheme that would otherwise result in an unacceptable harm in terms of detrimental impact on residential amenity.

6 Other Matters

- 6.1 The appellant has made reference to a potential loss of light that would be created as a result of the solid privacy screens for the neighbouring receptors to either side. On balance, a slight level of loss of light would be deemed acceptable in this instance in order to safeguard the privacy of the neighbouring receptors. However, given the modest 1.5m projection, it is not considered that there would be any significant loss of light as a result of the addition of solid privacy screens.

7 Conclusion

- 7.1 It is the Council's view that the proposed works would be only acceptable subject to solid privacy screens being erected to both the Eastern and Southern sides of the proposed balcony, in order for the scheme to provide adequate privacy and mitigate for any potential and perceived overlooking into both neighbouring windows and increased loss of privacy for their private amenity space.

- 7.2 In conclusion, it is respectfully requested that this appeal be dismissed.