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Whalley
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BB7 9SE
19 September 2023

**APPELLANT STATEMENT
SUPPORTING THE APPEAL AGAINST PLANNING CONDITION 4 IN ASSOCIATION WITH THE
GRANTED PLANNING APPLICATION REF: 3/2023/0464**

1. Introduction

- 1.1. This statement has been produced to support an appeal against planning condition 4 in relation to the approved planning permission for a house extension at 107 Whalley Road, Read, Burnley, BB12 7RP for Ms Yates.
- 1.2. The application was for a proposed single storey extension with a balcony to the first floor and alterations to the first floor rear windows.
- 1.3. The application was approved by Ribble Valley on the 7th of August 2023 with a total of 4 conditions as listed below:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan A0.1
Proposed Site Plan A1.2
Proposed Floor Plan A2.2 10/07/2023
Proposed Elevations 1 A3.3 10/07/2023
Proposed Elevations 2 A3.4 10/07/2023
Proposed 3D Visuals A5.2 10/07/2023

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent hereby approved.

3. The materials to be used on the external surfaces of the development as indicated on the Householder application form 3/2023/0464 hereby approved and as contained within the submitted information shall be implemented in accordance with the approved details.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality and respond positively to the inherent character of the area.

4. 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 Existing Site

- 2.1. The application building is a simple 1960s built house which has previously had a flat roof extension added to the rear to facilitate larger bedrooms. This was all completed in 1980.
- 2.2. The house has a large garden to the rear, looking out to the south onto open fields and farmland including a front drive with associated garden along Whalley Road.

3. Response to Condition

- 3.1. We engaged in discussions with the Planning Officer on this application and specifically in response to the matter we are raising questions to.
- 3.2. The Planning Officer raised concerns to the balcony with regards to it creating opportunity for overlooking into private amenity space. In order to progress the application, we agreed to the implementation of glazed screens to the balcony ends, which was later upgraded to fully solid walls to create permanent privacy screens.
- 3.3. We disagreed with the assessment that the balcony created any further opportunity for overlooking, compared to the windows and doors already in place. The property already features large windows to the rear and even a full set of patio doors at 1st floor level. This new balcony protruding only 1.5m from the rear wall of the house will not create any more of an opportunity than that which already exists in the context of the rear elevation and the implementation of privacy screens is entirely unnecessary.

4. No Loss of Privacy

- 4.1. One can already see into neighbouring gardens from the upstairs windows (one of which is a patio door) and this has been the case since 1980 (when the upstairs extension was completed). Extending 1.5m will not give any additional views into neighbouring gardens and therefore no additional loss of privacy. (See photos taken from each of the upstairs windows):



Figure 1 Window looking towards 109 Whalley Road



Figure 2 Window Looking towards 105 Whalley Road

- 4.2. The proposed balcony will actually look out onto the roofs of neighbouring properties on both ends, so no disruption of privacy, and there is a large conifer tree to one side which will partially block the view. This tree will continue to grow and block the view of the neighbouring property.
- 4.3. As can clearly be seen from the pictures, a balcony extending a mere 1.5m would not create any further opportunity for overlooking than is already presently available.

5. No Loss of Light

- 5.1. Other concerns were raised by a neighbour in an objection that there would be a loss of light if the extension were to be granted. This was taken into consideration but was not considered to be an issue worthy of refusal. The implementation of solid privacy screens definitely would lead to this though, and would adversely affect the neighbouring porch and side window. The implementation of clear or frosted glass as originally intended would not adversely affect the neighbouring property in this way and is indeed preferred by the neighbour who raised the objection (see accompanying letter for confirmation)'.
 - 5.2. The proposed 1.5m ground floor extension is contained within the current patio area and would be some 2.5 metres short of the back of neighbouring house walls. Therefore, the proposed balcony extension will not cause any loss of light whatsoever for neighbouring properties.

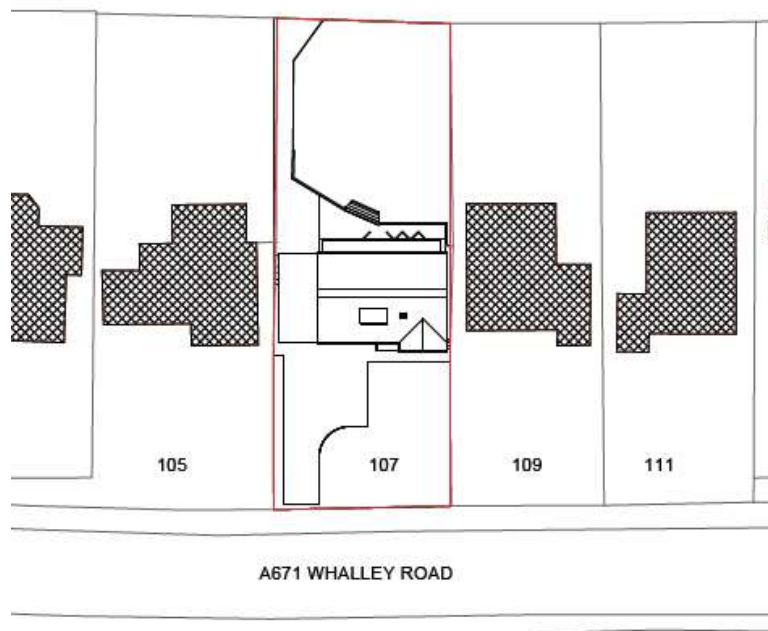


Figure 3 Proposed site plan showing adjacent properties

- 5.3. The proposed balcony is on top of an extension to the ground floor, and so one storey in height, and with (frosted) glass sides to the balcony will not cause any loss of light or additional shadows over neighbouring properties. The requirement for brick sides to the balcony would be much more likely to cast a shadow.
- 5.4. The aim of the balcony extension is to create an open, airy, 'invisible' feel to the back of the house, so the brick walls to the upper floor on the balcony area would completely destroy this aesthetic and look ugly. They would also block the morning and evening sun coming on to the balcony, and cast big shadows, thus causing loss of light to the neighbouring property and limiting the use of the balcony area.

6. Additional Disruption

- 6.1. By having brick ends, with a thicker, solid, ledge top, this could be a potential resting/nesting site for pigeons/other birds, and could be very damaging to the building and occupants. The fouling is corrosive and unsightly, and their guano harbours flying insects and mites, and poses a serious health risk of respiratory and intestinal infections caused by bacteria and fungal spores. The fouling is also very slippery when wet and would pose a hazard on the balcony area and patio floor to the other side of each wall.
- 6.2. The additional build required for the brick balcony sides will add further to the noise and dust associated with the proposed works, which has already been noted as a point of objection from one of the neighbours. Slotting in glass panels would cause far less noise, dust and disruption.

7. Conclusion

- 7.1. In conclusion, we believe the condition requiring solid ends to the balcony area is entirely unnecessary for the reasons stated above and this condition should be removed. If some kind of frosted glass screening was required the applicant would be acceptable to this, but fully solid walls are completely unnecessary for the site and for the context involved with the proposed development. We therefore request that the Planning Inspectorate support our appeal on the basis of the statements we have included here.