



Appeal Decision

Site visit made on 7 July 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal Ref: APP/T2350/D/19/3243899

8 Back Lane, Rimington BB7 4EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms E Porter against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0777, dated 15 August 2019, was refused by notice dated 17 October 2019.
 - The development proposed is two storey extensions to rear and front, and a single storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Amended plans and elevations (Drawing A300 Revision B) were submitted during the determination of the planning application, the most significant difference from the original being the reduction in depth of the proposed front extension from around 2m to 1m. Although the Council's officer report refers to the proposed front extension being 2m deep, its references to the separation distance between the appeal property and the neighbouring house at No 12 Back Lane reflect the amended scheme. Furthermore, it is clear from the evidence before me that the Council received and commented on the amended proposal before making its decision, although it considered that the amendments did not overcome its concerns about the scheme. I have determined the appeal on the basis of the amended plans.

Main Issue

3. The main issue is the effect of the proposal on living conditions for occupiers of neighbouring properties, in respect of light, privacy, and outlook.

Reasons

4. No 8 Back Lane is a two-storey, link detached dwelling dating from the 1970s, set some way from Back Lane itself in a small cluster alongside Nos 6 and 10. A driveway rising up between Nos 4 and 12 Back Lane provides access to the group. The appeal property has a hardstanding area to its front, and a private garden to the rear.

5. The appellant wishes to refurbish, remodel and extend No 8. At the front, a two-storey extension around 1m deep, 4.2m wide, with a forward-facing gable measuring approximately 5.4m to the eaves and 6.6m to the ridge is proposed. To the rear, there would be a two-storey extension to a gable end around 4m deep, 6.7m wide, with an eaves height of approximately 5m and a ridge a little way below that of the existing dwelling. There would be an additional single-storey angled side and rear extension, increasing from around 1.1m wide at the existing rear elevation of the host property to around 2.7m at its end point a further 1m or so beyond the rear of the proposed two storey extension.
6. No 12 Back Lane lies to the north of the appeal site, at a significantly lower level and with its rear garden facing towards No 8. The rear of No 12 is already overlooked from the upper floor of the appeal property, although dense boundary planting provides some screening to parts of the garden. The proposed front extension would, in its amended form, be around 21m from the rear elevation of No 12. Although the window would be only around 1m closer to No 12 than the existing upper floor window it would replace, the overlooking of the rear windows and garden of No 12, and the consequent harmful effects on the privacy of the occupiers of that property would be exacerbated by the slope of the land. While there is no adopted Supplementary Planning Document (SPD) providing detailed guidance on matters such as separation distances for house extensions, I acknowledge the appellant's point that in many circumstances 21m is considered an acceptable minimum separation distance between windows of habitable rooms. However, because of the sloping land in my view a greater separation distance would be necessary to prevent harmful overlooking in this case. While the existing situation already appears less than ideal in this regard, that does not in itself justify allowing further harm.
7. No 10 Back Lane is a detached house to the north east, set some way forward of No 8 and with a gap of approximately 2.7m between the two dwellings. At ground level an extension containing a dining kitchen finishes slightly short of the existing rear of No 8, and has two windows in its rear elevation. The proposed extension would increase the overshadowing of the window nearer to No 8, and there would be a reduction in daylight reaching the window, as well as some loss of outlook. The evidence before me indicates that that window serves the kitchen area of the room but, in my experience and contrary to the appellant's argument, it is usual to treat a dining kitchen as a habitable room. I consider that the loss of light and outlook which the proposed extension would cause to this window would therefore be detrimental to the living conditions of the occupiers of No 10, although this 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.
8. At first floor level there are three windows on the rear elevation of No 10, although that nearest the appeal property serves a bathroom. The second window serves a bedroom and, because of its separation from the proposed extension, I am satisfied that the development would not lead to harmful overshadowing of that window. Information provided by the appellant indicates that the extension would not breach the '45 degree rule', and so there would be no harmful effect on outlook from that room. While there is no adopted SPD to provide advice on such matters, the '45 degree rule' is a useful aid to assessing effects on outlook, and on the basis of the evidence before me as well as what I observed on my site visit I am satisfied that the proposed extension would not lead to serious harm in this regard.

9. The substantial size of the proposed extension would also lead to some increased overshadowing and a greater sense of enclosure in the rear garden of No 10, although this would not amount to significant harm in itself 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.
10. No 6 Back Lane is connected to the appeal property by a single storey structure which was originally garages for the two dwellings, although both garages have at some point been converted to provide additional living space. 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.
11. The appellant has suggested that a two-storey extension projecting 3m from the rear elevation could be built under permitted development rights, and I understand that a Lawful Development Certificate (LDC) for such an extension has been applied for. However, it could not include a two-storey front extension, so would not have the same impact on privacy at the rear of No 12 as the current scheme. A 3m extension would also cause less overshadowing and a lesser sense of enclosure in the rear garden of No 10. I do not know the outcome of the LDC application, but it is clear that there is a real prospect of some extension being built. However, I consider that any permitted development extension would be less substantial than the proposal now before me, and so would be less harmful to neighbours' living conditions.
12. The appeal proposal would have a significantly harmful effect on the living conditions of the occupiers of No 12 arising from a loss of privacy. 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. Nonetheless, taken as a whole I conclude that the proposal is contrary to Policies DMG1 and DMH5 of the 2014 Ribble Valley Core Strategy, which among other things seek to ensure that development is well designed and does not cause unacceptable harm to neighbours' living conditions.

Other Matters

13. 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. However, a lack of harm on this matter is a neutral factor which does not outweigh the other harm to neighbours' living conditions which I have found.

Conclusion

14. For the reasons given above the appeal is dismissed.

M Cryan

Inspector