

APPENDIX 1

**Copies of Appeal Notices: APP/C3620/A/09/2100526 &
APP/Q1445/A/12/2180864**



Appeal Decision

Site visit made on 16 June 2009

by **Richard A. Hersey** BA DipTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gov.uk
or UK

Decision date:
23 June 2009

Appeal Ref: APP/C3620/A/09/2100526 Windy Ridge, Tower Hill, Dorking RH4 2AP

- 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 Mr. and Mrs. Hamment against the decision of Mole Valley District Council.
- The application, ref. MO/2008/1140/PLA, dated 31 July 2008, was refused by notice dated 8 October 2008.
- The development proposed is *Alterations to roof*.

Decision

1. I allow the appeal and grant permission for alterations to the roof, involving raising the ridge height, formation of gable ends with balconies, and replacement of dormers with one new dormer, at Windy Ridge, Tower Hill, Dorking, in accordance with the terms of the application, reference MO/2008/1140/PLA, dated 31 July 2008, and the drawings submitted therewith, subject to the following conditions:-
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development shall match those of the existing building.
 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, or any Order revoking and re-enacting that Order with or without modification, no windows, dormer windows or roof lights other than those authorised by this permission shall be constructed within the roof slopes of the dwelling.
 4. The alterations hereby permitted shall not be used to access the roof of the existing ground floor extension to enable the roof to be used as a balcony, roof garden or similar amenity area.

Main issues

2. The main issue is the effect that the development would have on the living conditions of adjoining residents, having regard in particular to their light, outlook and privacy.

Reasons

3. The appeal property is one of a pair of chalet bungalows on steeply rising ground in an area characterised by a wide variety of residential properties. The proposal is to enlarge the two existing bedrooms in the roof space by raising the ridge height by 1.4m, constructing gable ends at front and rear and replacing an existing blind dormer on the east side with a new dormer to a bathroom on the west side. A balcony would be constructed at the front, a "Juliet" balcony at the rear and a pitched roof over the side kitchen projection.
4. On the west side of the appeal property, Southwood is a chalet bungalow at a lower level. It has an L-shaped living room, with two side windows facing the appeal property; the rearmost of these side windows would potentially be affected by the development.
5. Light to and outlook from this window is now very restricted by the proximity of the boundary fence and the side wall and roof slope of Windy Ridge. I appreciate the concern of the neighbouring residents about the potential effect of increasing the angle of pitch of the roof slope and replacing the hipped ends with gables, but from my on-site judgement the effect on outlook from this window would be negligible and any reduction in daylight or sunlight to this window, and hence to the rear part of the living room, would be small and would not be so significant as to justify refusal of permission for this reason. The effect on light to the room as a whole would be minimal.
6. A new small dormer would be constructed within the new roof slope facing Southwood, but as this would serve only a bathroom, with obscure glazing, there would be no likelihood of loss of privacy from this. The new rear window, with a Juliet balcony in place of the existing rear dormer, would not be likely to increase potential overlooking at the rear, provided that it is not used to facilitate the use of the ground floor rear extension as a terrace. This can be controlled by a condition.
7. On the east side, The Tower, a listed building, is on higher ground to the rear of and at an oblique angle to Windy Ridge. Its ground floor dining room and a lower ground floor bedroom face partly towards Windy Ridge and would also be affected to some extent by the increased pitch of the main roof and the provision of gables, together with the construction of a new roof over the kitchen projection.
8. With regard to the dining room, the appellants have submitted documentation to show that, using the recommended method of calculating skylight loss set out in the Building Research Establishment publication "Site layout planning for daylight and sunlight", there would be at this window a vertical sky component (v.s.c) of 37.5%, which is well above the level of 27% that would normally permit good daylight within the room. From this calculation and from my on-site judgement, I agree that any loss of daylight to this room would be small and would not be such as to justify refusal. I consider that the outlook, which would no longer include a view of the unattractive side dormer, would not be harmed.
9. At lower ground floor level, the appellants' calculation is that there would be a vertical sky component of 32.25% at the window, which is also well above the minimum recommended level. In calculating this v.s.c., no account has been

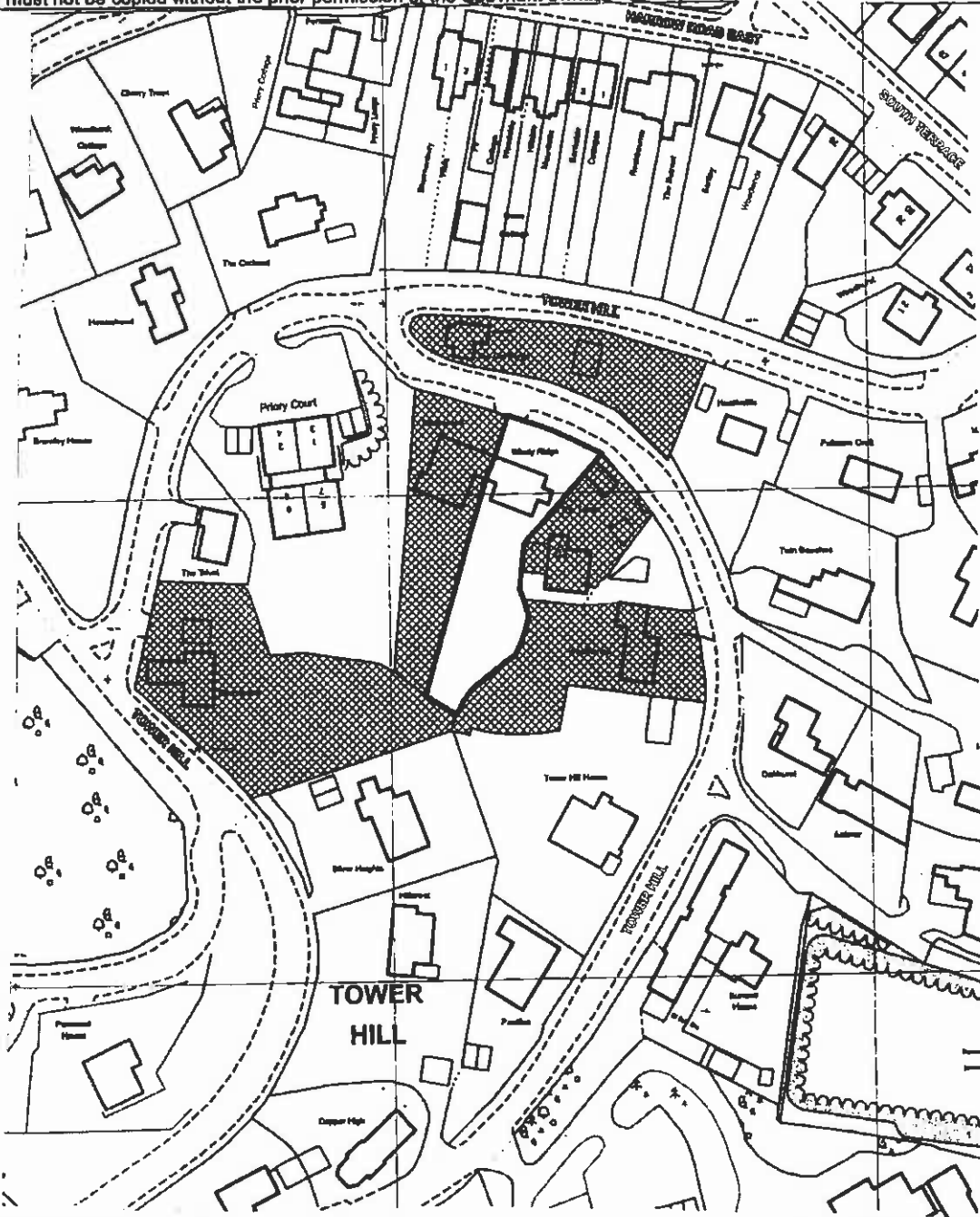
taken of the obstruction to light caused by the boundary hedge which, in practice, obscures the view of Windy Ridge from the lower ground floor room. I am satisfied that no unreasonable loss of light to or outlook from this room would occur.

10. Although reference has been made to possible overlooking of the front of The Tower and its garden from the new rear window and Juliet balcony, I consider that the oblique angle involved would mean that, although the glazed area would be extended to floor level, the degree of potential overlooking would be very little different from that now existing.
11. I have had regard to comments about the appearance of the development. I consider that, in the context of the wide variety of house types and designs in the vicinity, the proposal would be satisfactory and in some respects it would be an improvement on the existing design. I do not consider that it would harm the setting of the adjoining listed building.
12. Overall I conclude that the development would not harm the living conditions of neighbours. It would provide a satisfactory enlargement to the existing dwelling in accordance with policy ENV32 – House Extensions – in the Mole Valley Local Plan 2000.
13. In order to ensure that the details of the development are satisfactory and that further alterations are not carried out that may harm neighbouring properties, I agree with the conditions suggested by the Council.


R.A. Hersey

INSPECTOR

COPYRIGHT, DESIGNS & PATENTS-ACT 1988. This copy has been made by Mole Valley District Council, pursuant to Section 47 of the Copyright Design & Patents Act 1988 (The Act). Unless The Act provides a relevant exception to Copyright, the copy must not be copied without the prior permission of the Copyright owner.



SITE LOCATION PLAN FOR ILLUSTRATIVE PURPOSES ONLY – DIMENSIONS NOT TO BE SCALED.

<p>This plan is reproduced from the Ordnance Survey Map under the permission of the Controller of HM Stationery Office. Crown Copyright Reserved. Licence No. LA 078646.</p>	<p>M0/2008/1140</p> <p>APPEAL SITE : WINDY RIDGE, TOWER HILL, DORKING</p> <p>APPEAL ALLOWED</p>	<p>Appeal Decision Dated</p> <p>23 June 2009</p> <p> NORTH</p>
--	---	---

Appeal Decision

Site visit made on 26 February 2013

by **David Hogger BA MSc MRTPI MCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 March 2013

Appeal Ref: APP/Q1445/A/12/2180864

150 Ladies Mile Road, Brighton BN1 8TE

- 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 Mr R Holness against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/02845, dated 22 September 2011, was refused by notice dated 2 April 2012.
 - The development proposed is a detached dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling at 150 Ladies Mile Road, Brighton BN1 8TE in accordance with the terms of the application, Ref BH2011/02845, dated 22 September 2011, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr R Holness against Brighton and Hove City Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council did not submit an Appeal Statement and therefore its case rests primarily on my interpretation of the reason for refusal.
4. It was agreed between the parties, at the site visit, that the plan entitled Streetscene Details, dated August 2011, is part of the planning application and I have determined the appeal on that basis.

Main Issue

5. The main issue is the effect of the proposed dwelling on the living conditions of neighbours, particularly in terms of loss of sunlight and daylight, outlook and loss of privacy.

Reasons

6. The proposed dwelling would sit on land currently occupied by the garage to No 150 Ladies Mile Road. To one side would be the host property, which is a bungalow and to the other side would be a two storey dwelling (No 152).
7. I saw the site from both the host property and from No 152 and noted the relationship between the proposed development and other nearby dwellings,

Including those in Ladles Mile Road, Portfield Avenue, Tangmere Road and Windmill View.

Sunlight and Daylight

8. There are two windows and a glazed door in the side elevation of No 152 but they are not main windows to habitable rooms and although there would be a loss of light through these apertures I do not consider that the proposed development would cause oppressive or claustrophobic conditions for the occupiers because they are not the main sources of natural light in the house. Reference is made by the neighbour's Right of Light Consultant to the lack of Average Daylight Factor (ADF) and No Sky Line (NSL) tests. However, the Consultant did not submit any substantive evidence in this regard and therefore I can only give the assertion that the results of any such tests would have found that there would be a significant reduction in daylight, little weight.
9. Concern was raised regarding the overshadowing of properties on the opposite side of the road but I consider that the distances involved would mean that any loss of light to these properties would not be significant.
10. There are windows in the adjacent side elevation of the host property but the bedroom to the front has windows in two other elevations and the effect of the proposed dwelling in terms of light levels in the study, kitchen and conservatory would not be so significant as to justify dismissing this appeal.

Outlook

11. The proposed dwelling would extend beyond the rear elevation of No 152 but because that distance would be relatively short the proposed house would not appear unduly overbearing from either inside or from the back garden of No 152. In terms of the host property the proposed dwelling would not be significantly detrimental in terms of outlook from the main habitable rooms or from the back garden.

Privacy

12. Although loss of privacy is not referred to in the reason for refusal, concern has been voiced by neighbours about overlooking from the proposed Juliet balcony, which would be in a study located in the roof. The balcony would be virtually flush with the rear elevation and would have doors that open inwards. I consider that such a feature would not result in a significant loss of privacy because similar views could be obtained from other windows and it is inevitable that in an urban environment such as this there will be a degree of overlooking from upper floors. I have therefore given this matter only little weight.

Conclusion on Main Issue

13. On the main issue I conclude that the proposed dwelling would not significantly harm the living conditions of neighbours. The requirements of saved policies QD1, QD2 and QD27 of the Brighton and Hove Local Plan, which seek to secure a high standard of design and protect the amenity of residents, would be met.

Other Matters and Overall Conclusion

14. The neighbour has raised the issue of noise, primarily as a result of the entrance to the proposed dwelling being on the side elevation next to No 152. However, there is no reason to suppose that the occupiers of the proposed

dwelling would be unduly noisy and although there are bedrooms to this side of No 152 I saw that their main windows are not to the side.

15. With regard to the entrance being to the side of the proposed dwelling (I saw that there was an example of such an arrangement nearby) it is suggested that this is an indication that the proposed dwelling would appear cramped on its plot. Although the proposed plot width would be slightly narrower than those nearby, the appearance of the proposed house would reflect the style, design and height of the two storey dwellings to the north-east and it would fit comfortably within the street scene.
16. Local residents have voiced concerns regarding highway safety. At the time of my visit traffic levels were low and there was ample on-street parking available. Whilst I am sure that the situation may be different at week-ends and in the evening, no substantive evidence was submitted to demonstrate that the provision of one additional house would significantly exacerbate the situation and I note that the Council raised no concerns in this regard.
17. Reference is made by the neighbour to the issue of land ownership but this is not a matter that is before me for consideration in the determination of this appeal.
18. For the reasons given above and having considered all other matters raised, I conclude that there are none which outweigh my findings on the main issue and that the appeal should be allowed.

Conditions

19. The Council has suggested 12 conditions which I have assessed against the advice in Circular 11/95: The Use of Conditions in Planning Permissions. They include the standard time condition which I impose and a condition requiring the development to be undertaken in accordance with the approved plans which I impose for the avoidance of doubt.
20. Suggested conditions 3, 5, 8, 10, 11 and 12 relate to issues of design, boundary treatments and recycling and cycle parking facilities. These are necessary in the interests of sustainable development, the appearance of the proposed development and to ensure that the needs of people with disabilities would be met and I impose them accordingly, albeit with some clarification.
21. Suggested condition 4 would prevent the enlargement or alteration of the proposed dwelling without planning permission and suggested condition 7 would require obscure glazing in the side windows in the north elevation (as described on the Proposed Elevations plan). Suggested condition 6 would require work on the site to stop if contamination is found on the site. I impose these conditions because they are necessary to protect the living conditions of neighbours.
22. The submission of a programme of archaeological investigation is required by suggested condition 9 and I impose this, in clarified form, because of the site's location on the edge of an archaeological notification area.

David Hogger

Inspector

Schedule of Conditions (12)

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: un-numbered Proposed Details, Proposed Floor Plans, Proposed Site Layout and Proposed Elevations (received on 15 December 2011); un-numbered Side Elevation received on 23 November 2011; and the Existing Site Plan and Location Plan received on 22 September 2011 and Streetscene Details dated August 2011.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling hereby approved shall be erected without planning permission.
- 5) Unless otherwise agreed in writing by the Local Planning Authority, the dwelling hereby permitted shall be constructed to Lifetime Homes standards and shall be retained as such thereafter.
- 6) If during development contamination is found to be present on the site, then, unless otherwise agreed in writing by the Local Planning Authority, no further development shall be carried out until the developer has submitted to and had approved in writing by the Local Planning Authority a method statement identifying, assessing and addressing the contaminants. The subsequent development shall be carried out in accordance with the approved method statement.
- 7) Before the first occupation of the building hereby permitted the windows on the north elevation of the development hereby permitted shall be fitted with obscured glass and be non-opening, unless that part of the window that can be opened is more than 1.7m above the floor level, and they shall be permanently retained as such.
- 8) Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until:
 - (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage / Interim Report showing that the development will achieve Code level 4 has been submitted to and approved in writing by the Local Planning Authority;
 - and

- (b) a Design Stage / Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 has been submitted to and approved in writing by the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.
- 9) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
 - 10) No development shall take place until full details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 11) Unless otherwise agreed by the Local Planning Authority, the dwelling hereby approved shall not be occupied until a Building Research Establishment issued Final Code Certificate confirming that the dwelling has achieved a Code for Sustainable Homes rating of Code level 4, has been submitted to and approved in writing by the Local Planning Authority.
 - 12) The dwelling hereby approved shall not be occupied until details of refuse and recycling facilities and the cycle store have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the facilities and store shall be thereafter retained for their respective uses.

APPENDIX 2

Right to Light Appraisal Report in Respect of Development at 70a Downham Road, Chatburn



Gary Hoerty Associates

6-8 Church Street
Clitheroe
Lancashire
BB7 2DG

Tel: 01200 442301
Fax: 01200 442976
www.ghaonline.co.uk
www.ruralproperty4sale.com
email: info@ghaonline.co.uk

RIGHT TO LIGHT APPRAISAL

**IN RESPECT OF A HOUSEHOLDER APPLICATION FOR
PLANNING PERMISSION FOR THE CONSTRUCTION OF A
PART TWO STOREY, PART SINGLE STOREY SIDE
EXTENSION FOR RESIDENTIAL ACCOMMODATION**

AT

**70a DOWNHAM ROAD
CHATBURN
CLITHEROE
BB7 4AU**

Prepared by: Paul Fay for and behalf of Gary Hoerty Associates
Our Ref: Wood/633/1702/GH
Our Client: Mr & Mrs H Wood
Date: March 2014



Chartered Surveyors ■■■ Planning & Development ■■■ Land Agents
Valuers ■■■ Property Agency ■■■ Property Management



1. Introduction

- 1.1 We recently submitted a planning application, reference 3/2013/1060, on behalf of our clients Mr & Mrs H Wood. This application was refused with the reason for refusal cited in the planning officer's delegated report as *'the proposed development would result in a loss of natural light and result in overshadowing to a habitable room of the neighbouring property'*.
- 1.2 Whilst we appreciate the importance of avoiding impact on residential amenity this determination on loss of light was based on a subjective viewpoint from the planning officer's site inspection. We were of the opinion that there would be no significant impact on the neighbouring properties available light levels and as a result thought it prudent to have a technical inspection conducted by a professional who specialises in the assessment of impact on light levels to determine the actual loss of receivable light.
- 1.3 The assessment is based on the scientific appraisal tests outlined in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a good practice guide. Second Edition (2011)' by Paul J Littlefair
- 1.4 The aim of this document is to provide an explanation of the technical information gathered as part of the right to light assessment that was commissioned to ascertain the exact impact our proposed development would have upon the neighbouring property, 72 Downham Road, Chatburn.

2. Methodology

- 2.1 The right to light assessment is based on the tests outlined in the BRE guide referenced above. The BRE tests respond to the requirements of the British Standard Code of Practice for Daylighting: BS 8206 - 2. The tests conducted as part of the assessment were the 'Vertical Sky Component'(VSC) test and the 'Annual Probable Sunlight Availability' (APSA) test.
- 2.2 To conduct the tests accurately the first step was to produce a 3D wireframe representation of the neighbouring properties window position in relation to our proposed extension. (See Fig.1, page 3). This allowed the accurate plotting of all relevant angles and measurements required for the production of the Waldram Diagrams.
- 2.3 The Waldram Diagrams allow the production of an Excel spreadsheet that determines whether the proposed development would pass or fail the BRE guidelines for what constitutes a loss of light amenity. The diagrams and spreadsheet are outlined and appraised below. The results are appraised in Chapter 3

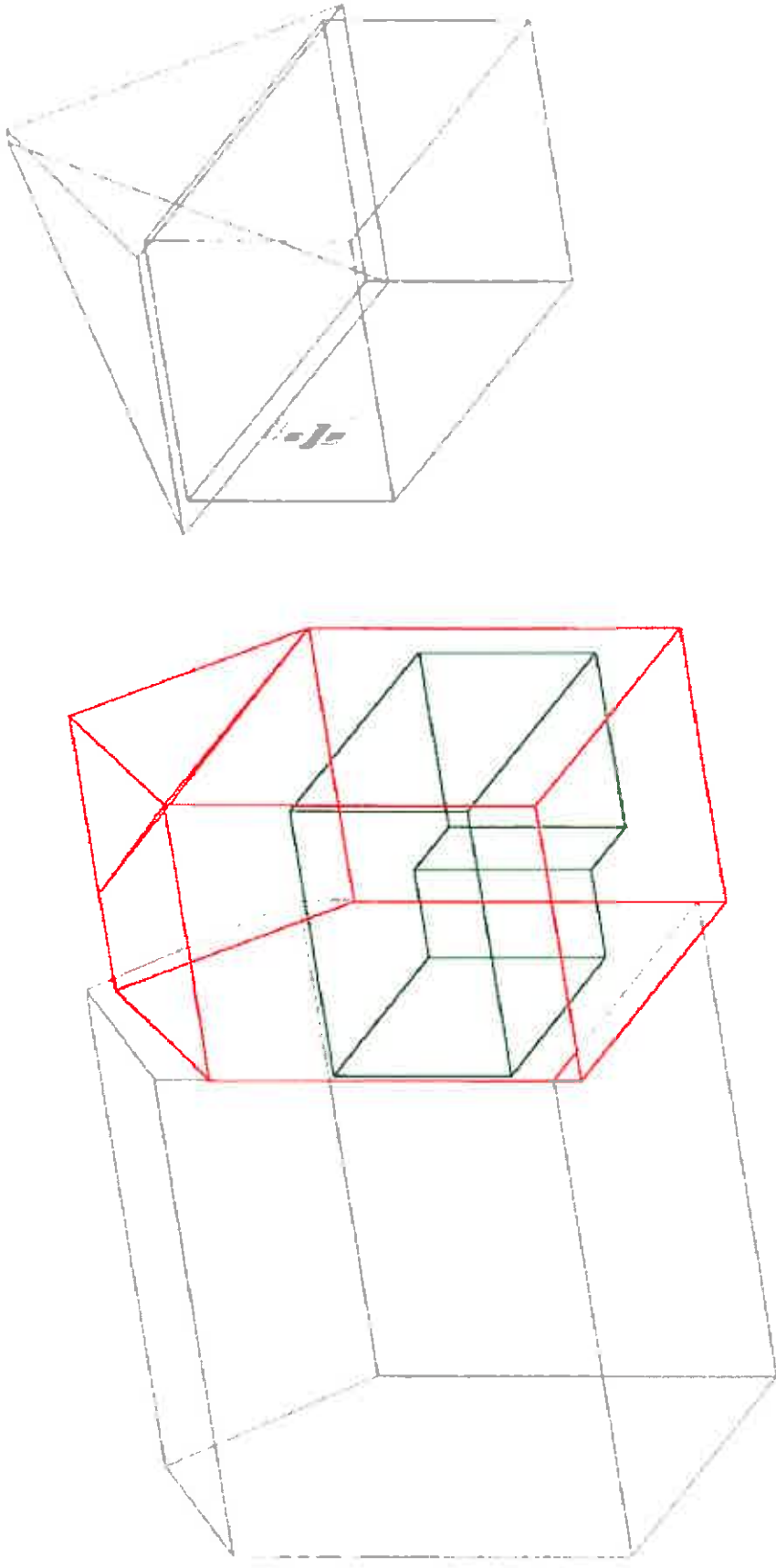


Fig. 1 – 3D Wireframe Drawing of 70a and 72 Downham Road, Chatburn

- 2.4 The Vertical Sky Component test - the percentage of sky visible from the centre of a window is known as the Vertical Sky Component. The diffuse daylight received by the window will be adversely affected if after the proposed development the VSC is less than **0.8** times its former value. According to the BRE guidance the most accurate test to calculate the VSC is the production of a Waldram Diagram.
- 2.5 The basic approach to producing a Waldram Diagram is to plot all the current obstructions and also all proposed obstructions. This produces two outlines on the Waldram Diagram (see Fig 2, page 4), the smaller outline (noticeably fainter on the grid) is the obstruction caused by the building as it currently exists, and the larger, darker outline is the obstruction that would be caused by the proposed extension. The amount of difference is then plotted and the results calculated to discover the total percentage loss that would be impacted as a result of the proposal being granted.
- 2.6 The BRE guidance suggests that **'if the VSC, with the new development in place, is less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight'**. The recommendation therefore is a value not less than **0.8 reduction**.

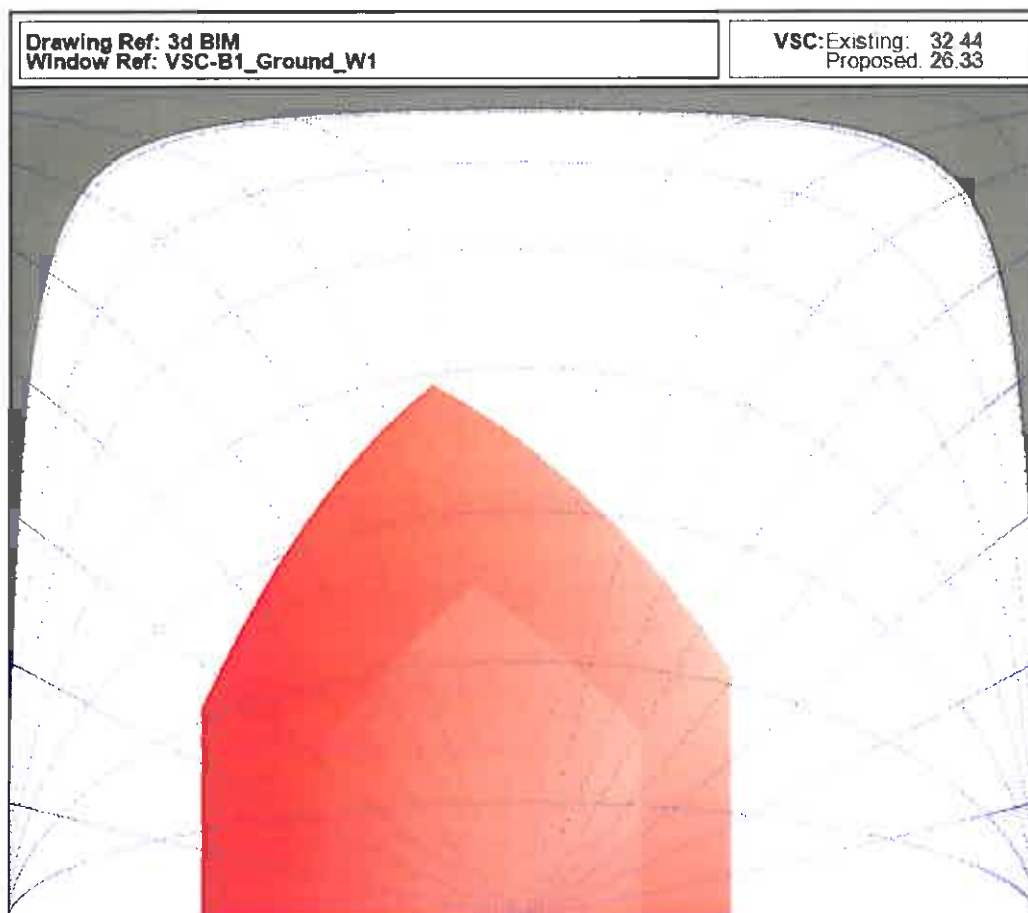


Fig.2 – Waldram Diagram indicating existing and proposed obstructions to the window at 72 Downham Road. To calculate the affect on the VSC at the property.

- 2.7 The Annual Probable Sunlight Hours (APSH) – this test determines the amount of sunlight/skylight will reach the outside of a window pre and post development. The version required for our test is the indicator marked ‘Manchester 53.5 °N’ (see top right hand corner of the test diagram), this version covers north England. The test is independent of latitude and can be used anywhere.
- 2.8 The diagram (see Fig 3, page 5) produced for this test again shows the two outlines of existing and proposed development but this diagram features coloured spots overlaying the diagram. The spots indicate annual sun (yellow) and winter sun (blue), there path indicates the total sunlight/daylight available to the window in question. Where the spots overlap the building outlines this indicates an obstruction of the light.
- 2.9 The total spots not overlapping an obstruction are compared to the total spots that are overlapping. This allows a calculation of the proposed impact of the proposed development. As with the VSC test described previously the BRE recommend that any score **lower than 0.8 times the former** should be avoided.

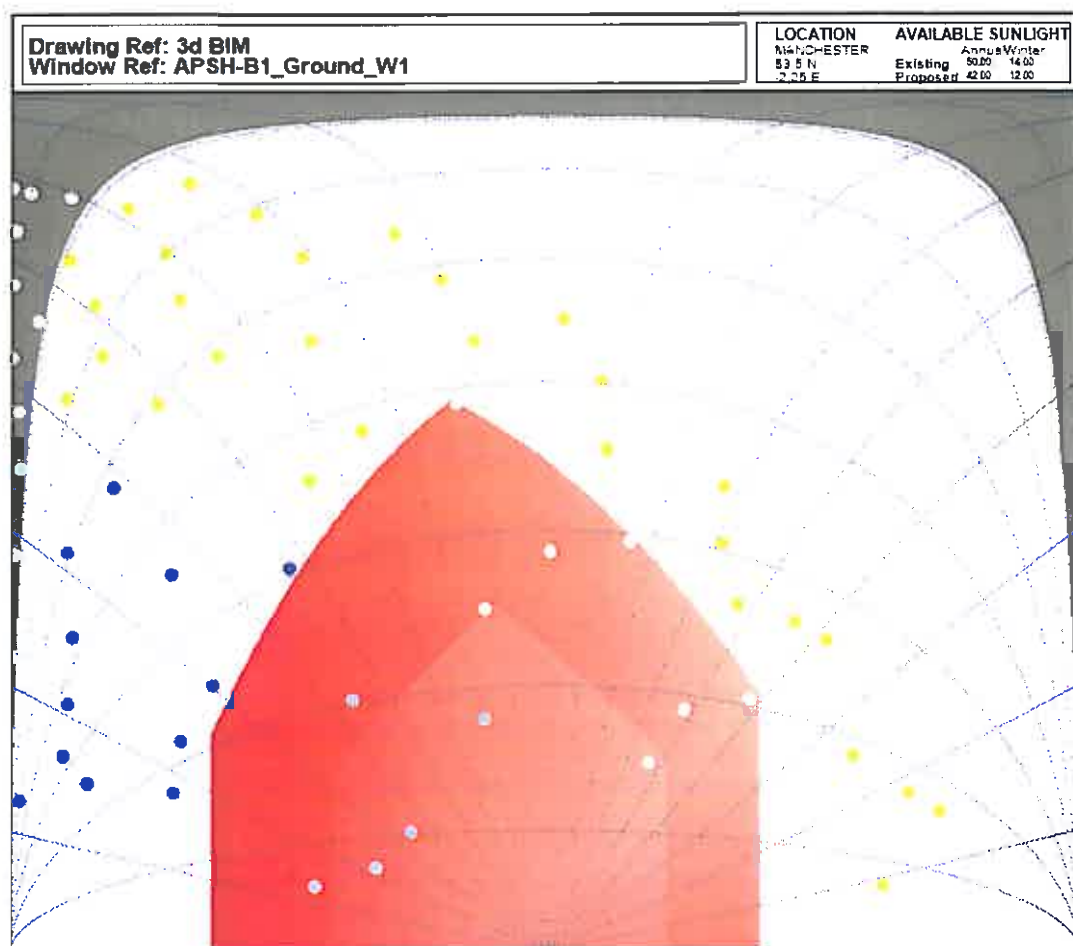


Fig. 3 – Waldram Diagram indicating existing and proposed obstructions to the window at 72 Downham Road. To calculate the affect on the APSH at the property.

3. Results

Project Name: 3d BIM Project No: Report Title: Architect: Scheme Iteration No: Iteration Description: Date of Analysis: 27/02/2014 Key drawings:											
Floor Ref.	Room Ref.	Room	Use.	Window Ref.	Scenario	VSC	Difference	Pass / Fail	Available Sunlight Hours		
									Annual %	Diff %	Pass / Fail

B1

Ground	NoRoomAttached	-	W1	Existing	32.44	PASS	0.811652	50	PASS	14	0.85714	PASS
				Proposed	26.33			42		1		

Fig. 4 -- Tabulated Results of the Waldram Diagrams indicating the existing and proposed impacts to light amenity at 72 Downham Road,

- 3.1 The preceding page contains an extract from the Excel spreadsheet (see Fig.4, page 6) used to calculate the impact of our proposed development. This table contains the data gathered for the VSC test and the APSH test for both annual & winter daylight.
- 3.2 As can clearly be seen the reduction in VSC is calculated at **0.811652**. Using BRE guidance this is above 0.8 and is therefore classified as a test Pass.
- 3.3 As can clearly be seen the reduction in APSH for annual hours is calculated at **0.84**. Using BRE guidance this is above 0.8 and is therefore classified as a test Pass.
- 3.4 As can clearly be seen the reduction in APSH for winter hours is calculated at **0.85714**. Using BRE guidance this is above 0.8 and is therefore classified as a test Pass.

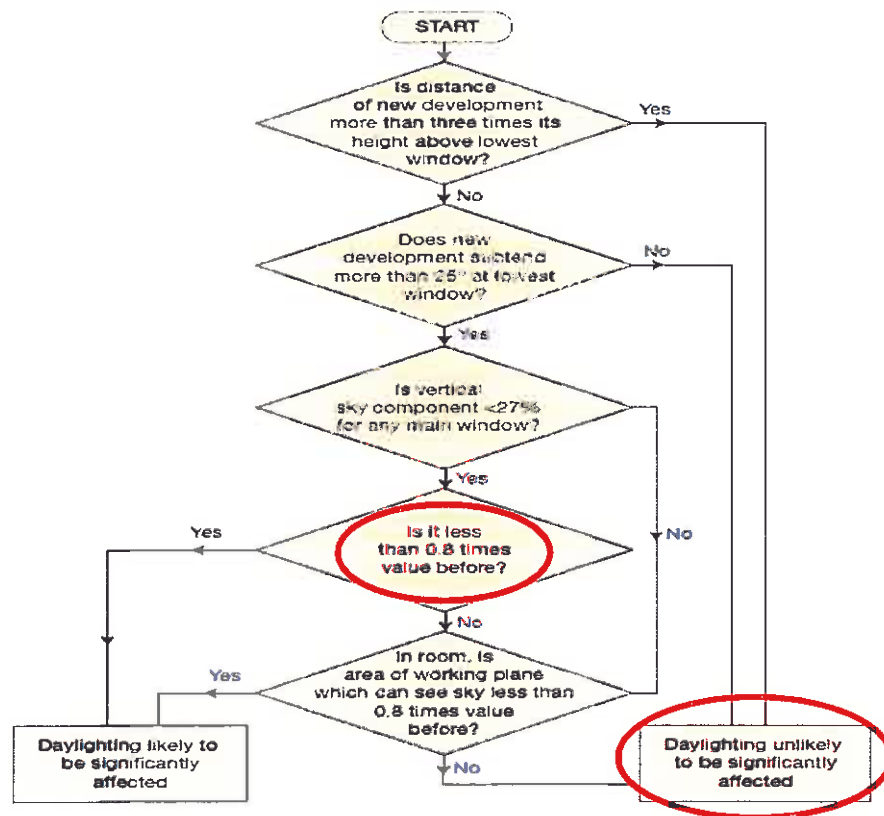


Figure 20 Decision chart diffuse daylight in existing buildings

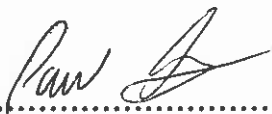
(BRE, 2011)

Fig.5 – Decision Flow Chart for determining diffuse daylight impact in existing building

- 3.5 Using the flow chart provided in the BRE guidance document it is easy to establish that as all our figures are above 0.8 the Daylighting is unlikely to be significantly affected.

4. Conclusion

- 4.1 Using industry recommended tests our investigation shows that any reduction in light levels to the neighbouring property would be classified as below any level that could be regarded as a significant impact.
- 4.2 These tests were conducted on the pretence that the affected window was the only window serving the room. The fact that there is another window serving the room further enhances our opinion that any effect on available light levels at the property would be insignificant.
- 4.3 Given the outcome of our investigation we see no reason why the Council should not support our application for the residential extension of 70a Downham Road, Chatburn. As the only opposition to our application was the amenity issue of reduced light to the neighbouring property. We would therefore expect a positive outcome in due course.

Signed..........Date.....13.03.2014.....
Paul Fay BSc. (Hons) for and on behalf of Gary Hoerty Associates

APPENDIX 3

E-mail Correspondence between Ourselves and the Council

Paul Fay

From: Mark Baldry [Mark.Baldry@ribblevalley.gov.uk]
Sent: 17 January 2014 11:38
To: paul.fay@ghaonline.co.uk
Subject: Planning Application No: 3/2013/1060 - 70a Downham Road, Chatburn.

Dear Mr Fay

I am emailing with regard to the above planning application you have submitted on behalf of Mr & Mrs Wood in respect of the proposed alterations and extensions to 70a Downham Road, Chatburn. Following my recent site visit and closer inspection of the proposed plans I would wish to raise the following areas of concern I have regards the development proposals as currently submitted.

1. The overall scale and size of the proposed extension is an area of concern as it appears overlarge in comparison to the original dwelling and as such would not appear subservient. The projection of the extension from the gable end of the existing dwelling is 5.9m and extends the front frontage of the dwelling by over two thirds. This has a pronounced visual impact upon the dwelling significantly increasing its general bulk. I would therefore advise that the projection/width of the proposed extension should be significantly reduced to achieve proportions which are more in keeping with the character of the existing dwelling.
2. The proposed mono-pitched roof detail to the front elevation of the extension would, if constructed, appear incongruous and only serves to increase the general scale of development and also projects forward of the original dwelling. I would advise that this should be removed and the ground floor extension should be built to the same line as the first floor element. This would result in a 1056mm set back, as you have shown at first floor being applied at ground floor. This will aide to reduce the scale and dominance of the development and also ensure that the structure appears visually subservient to the existing dwelling. The removal of the front elevation monopitched roof would also remove the rooflights to the front, which would be a totally alien feature for a principle elevation.
3. The inclusion of bi-folding doors to the principle elevation would also appear as an alien addition. A more suitable solution would be a window opening of similar scale and form as to those of the original dwelling.
4. Moving to the rear of the property I noted on my site visit that there was a very small and somewhat peculiar extension/projection which serves the existing kitchen. The proposals to alter the existing flat roof in favour of a pitched roof is welcome however the scheme may be improved if the monopitched roof to the rear is continued along the rear to include the proposed utility room at a consistent eaves height and thus removing the stepped eaves level arrangement that is currently proposed.

I would agree that proposals to renovate the existing dwelling do present an opportunity to make improvements to a dwelling which at present does not really contribute or enhance the Conservation Area. However I do not feel that the scheme at present would be appropriate owing to the concerns I have raised above.

I note your comments within the submission documents where you reference development at 21 Clitheroe Road, Whalley. However as you note that site was not within a designated Conservation Area, unlike Downham Road; which is a material consideration. In addition to this each case has to be judged on its own merits as each presents its own unique constraints and opportunities, what may work on one site may not be appropriate on another.

I would therefore request that the scheme be amended to address the concerns I have outlined above. I appreciate that you will have to liaise with your client on these matters; but I would request that amended plans be provided within 14 days of this email. This will ensure that the current application can be determined within the statutory 8 week period, which expires on 12th February 2014.

The above advice is given without prejudice to the eventual determination of this or subsequent planning applications.

Yours sincerely

07/04/2014

Mark Baldry | **Assistant Planning Officer**

T:01200 414571 E:mark.baldry@ribblevalley.gov.uk

Ribble Valley Borough Council
Church Walk
Clitheroe
Lancashire
BB7 2RA
www.ribblevalley.gov.uk

Best in the country for customer satisfaction – 94 per cent of Ribble Valley residents are satisfied with life in the borough (Place Survey 2009)

<!--[if !supportEmptyParas]--> <!--[endif]-->

This transmission is intended for the named addressee(s) only and may contain sensitive, protectively marked or restricted material, and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy, use, or disclose it to anyone else. If you have received this transmission in error, notify the sender immediately. All GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation. This e-mail is issued subject to Ribble Valley Borough Council's e-mail disclaimer, which you are taken to have read and accepted. Click [here](#) for further details.

Paul Fay

From: Mark Baldry [Mark.Baldry@ribblevalley.gov.uk]
Sent: 10 February 2014 12:47
To: paul.fay@ghaonline.co.uk
Subject: RE: Planning Application No: 3/2013/1060 - 70a Downham Road, Chatburn.

Paul

Further to providing me with amended plans, I am satisfied with the amendments made insofar as the removal of the rooflights and bi-folding doors to the front elevation, I am also satisfied that the reduction in the width results in a proposal which visually looks better proportioned to the original dwelling.

As we discussed during our meeting we had received objections from the neighbouring dwelling regarding overshadowing and loss of light that would be caused by the proposed development. It is my intention to revisit the site in the next 24hrs with the amended plans to examine this issues in closer detail and try determine the degree of merit these objections have.

Regards

Mark Baldry | **Assistant Planning Officer**

T:01200 414571 E:mark.baldry@ribblevalley.gov.uk

Ribble Valley Borough Council
Church Walk
Clitheroe
Lancashire
BB7 2RA
www.ribblevalley.gov.uk

From: Paul Fay [mailto:paul.fay@ghaonline.co.uk]
Sent: 10 February 2014 12:09
To: Mark Baldry
Subject: RE: Planning Application No: 3/2013/1060 - 70a Downham Road, Chatburn.

Hi Mark

Further to the amended plans sent on Thursday of last week I was just wondering if you had any thoughts regarding whether they were suitable or not.
I realise the decision date is Wednesday of this week but was just wondering if you had any prior thoughts regarding the application.
I have also left a voicemail basically reiterating this e-mail

Thanks in advance

Kind Regards
Paul Fay

Gary Hoerty Associates
Chartered Surveyors
6-8 Church Street
Clitheroe
Lancashire
BB7 2DG

Tel: 01200 442301

08/04/2014

Fax: 01200 442976
www.ghaonline.co.uk



Save Paper - Do you really need to print this e-mail?

This electronic message contains information from Gary Hoerty Associates, which may be privileged or confidential. The information is intended to be for the use of the individual(s) or entirety named above. If you are not the intended recipient be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this electronic message in error, please notify us by telephone or email (to the numbers or address above) immediately.

Activity and use of the Gary Hoerty Associates E-mail system is monitored to secure it's effective operation and for other lawful business purposes. Communications using this system will also be monitored and may be recorded to secure effective operation and for other lawful business purposes.

Best in the country for customer satisfaction – 94 per cent of Ribble Valley residents are satisfied with life in the borough (Place Survey 2009)

<!--[if !supportEmptyParas]--> <!--[endif]-->

This transmission is intended for the named addressee(s) only and may contain sensitive, protectively marked or restricted material, and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy, use, or disclose it to anyone else. If you have received this transmission in error, notify the sender immediately. All GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation. This e-mail is issued subject to Ribble Valley Borough Council's e-mail disclaimer, which you are taken to have read and accepted. Click [here](#) for further details.

This email has been scanned by the MxScan Email Security System.

Paul Fay

From: Mark Baldry [Mark.Baldry@ribblevalley.gov.uk]
Sent: 12 February 2014 17:02
To: paul.fay@ghaonline.co.uk
Subject: RE: Progression of No: 3/2013/1060

Paul

As I mentioned in my earlier emails I was satisfied that the amendments made, namely the removal of the bi-folding doors and rooflights to the front in addition to the reduction in width addressed the concerns raised in terms of the general visual impact of the scheme and resulted in a development that visually appeared better proportioned when set against the existing dwelling.

You will also recall that the outstanding issue was the amenity concerns raised by nearby residents and the potential loss of light/over shadowing the development would have. Having examined this in closer detail and sought a second opinion on the matter it has been determined that the proposed development would result in a loss of natural light and result in overshadowing to a habitable room of the neighbouring property; which would be detrimental to the residential amenity of the neighbouring property, contrary to the provisions of SPG and policies within the the Districtwide Local Plan and draft Core Strategy. I would therefore advise that the application was refused on residential amenity grounds.

A hard copy of the decision notice should arrive with you in due course which will outline the precise reason for refusal from which yourself and your client can work from and consider your next options.

Yours sincerely

Mark Baldry | Assistant Planning Officer

T:01200 414571 E:mark.baldry@ribblevalley.gov.uk

Ribble Valley Borough Council
Church Walk
Clitheroe
Lancashire
BB7 2RA
www.ribblevalley.gov.uk

From: Paul Fay [mailto:paul.fay@ghaonline.co.uk]
Sent: 12 February 2014 16:24
To: Mark Baldry
Subject: RE: Progression of No: 3/2013/1060

Mark

Just a quick e-mail enquiring as to the progress of the Chatburn application. No: 3/2013/1060

Regards
Paul Fay


Gary Hoerty Associates
Chartered Surveyors
6-8 Church Street
Clitheroe
Lancashire
BB7 2DG

Tel: 01200 442301

07/04/2014

Fax: 01200 442976
www.ghaonline.co.uk



 Save Paper - Do you really need to print this e-mail?

This electronic message contains information from Gary Hoerty Associates, which may be privileged or confidential. The information is intended to be for the use of the individual(s) or entirety named above. If you are not the intended recipient be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this electronic message in error, please notify us by telephone or email (to the numbers or address above) immediately.

Activity and use of the Gary Hoerty Associates E-mail system is monitored to secure its effective operation and for other lawful business purposes. Communications using this system will also be monitored and may be recorded to secure effective operation and for other lawful business purposes.

Best in the country for customer satisfaction – 94 per cent of Ribble Valley residents are satisfied with life in the borough (Place Survey 2009)

<!--[if !supportEmptyParas]--> <!--[endif]-->

This transmission is intended for the named addressee(s) only and may contain sensitive, protectively marked or restricted material, and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy, use, or disclose it to anyone else. If you have received this transmission in error, notify the sender immediately. All GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation. This e-mail is issued subject to Ribble Valley Borough Council's e-mail disclaimer, which you are taken to have read and accepted. Click [here](#) for further details.

This email has been scanned by the MxScan Email Security System.

Paul Fay

From: Mark Baldry [Mark.Baldry@ribblevalley.gov.uk]
Sent: 20 February 2014 09:32
To: paul.fay@ghaonline.co.uk
Subject: RE: Hipped Roof Option for Downham Road

Paul

Apologies for the delay in responding, I was out of the office yesterday and I am on leave tomorrow. I will hopefully try get some comments back to you later this afternoon, if not it will be Monday.

Regards

Mark Baldry | Assistant Planning Officer

T:01200 414571 E:mark.baldry@ribblevalley.gov.uk

Ribble Valley Borough Council
Church Walk
Clitheroe
Lancashire
BB7 2RA
www.ribblevalley.gov.uk

From: Paul Fay [mailto:paul.fay@ghaonline.co.uk]
Sent: 18 February 2014 10:42
To: Mark Baldry
Cc: gary.hoerty@ghaonline.co.uk
Subject: RE: Hipped Roof Option for Downham Road

Mark

Further to your conversation with Gary yesterday please find attached a proposal drawing for the Downham Road application (number 3/2013/1060) demonstrating the property with a hipped roof as opposed to the original plan for a gable.

Your thoughts on this would be appreciated.

Regards
Paul Fay

Gary Hoerty Associates
Chartered Surveyors
6-8 Church Street
Clitheroe
Lancashire
BB7 2DG

Tel: 01200 442301
Fax: 01200 442976
www.ghaonline.co.uk



Gary Hoerty Associates
Chartered Surveyors
Rural Property Specialists

 Save Paper - Do you really need to print this e-mail?

This electronic message contains information from Gary Hoerty Associates, which may be privileged or confidential. The information is intended to be for the use of the individual(s) or entity named above. If you are not the intended recipient be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this electronic message in error, please notify us by telephone or email (to the numbers or address above) immediately.

Activity and use of the Gary Hoerty Associates E-mail system is monitored to secure its effective operation and for other lawful business purposes. Communications using this system will also be monitored and may be recorded to secure effective operation and for other lawful business purposes.

Best in the country for customer satisfaction – 94 per cent of Ribble Valley residents are satisfied with life in the borough (Place Survey 2009)

<!--[if !supportEmptyParas]--> <!--[endif]-->

This transmission is intended for the named addressee(s) only and may contain sensitive, protectively marked or restricted material, and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy, use, or disclose it to anyone else. If you have received this transmission in error, notify the sender immediately. All GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation. This e-mail is issued subject to Ribble Valley Borough Council's e-mail disclaimer, which you are taken to have read and accepted. Click [here](#) for further details.

This email has been scanned by the MxScan Email Security System.

Paul Fay

From: Mark Baldry [Mark.Baldry@ribblevalley.gov.uk]
Sent: 24 February 2014 16:21
To: paul.fay@ghaonline.co.uk
Subject: RE: Hipped Roof Option for Downham Road

Paul

Further to your email below regarding proposed amendments at 70a Downham Road. In the plans you provided in your email of the 18th Feb you proposed the use of a hipped roof over the proposed two storey side extension.

Having had an opportunity to consider this amendment I would offer the following comments.

Whilst the provision of a hipped roof may bring advantages in terms of having the potential to reduce any adverse impact upon the neighbouring property, perhaps in terms of reduced light loss, I do not believe that the design would be suitable. A comment that I seem to recall was offered at pre-application stage. The predominant roof type of dwellings in the area is dual pitched as your clients property is at present, this is perhaps with the exception of the neighbouring bungalows. The introduction of a hipped roof would appear at odds with this. It would result in the introduction of an alien feature to the existing dwelling, which would exacerbate the impact of the development by virtue of it being different to the general character of the existing property and the area.

Whilst this amendment may begin to address one issue, the loss of natural light, I feel it introduces another concern namely that of general design. I would therefore advise that from a general design point of view it would be preferable to stick with the dual pitched, gable ended design as this would be more in keeping with the the general design and character of the existing dwelling but also the immediate locality.

I hope this advice is useful, but please note this is an Officer opinion only, and whilst my comments are made for your information and guidance only, they are without prejudice to any recommendation the Council may make on any subsequent application or the ultimate determination thereof.

Yours sincerely

Mark Baldry | Assistant Planning Officer

T:01200 414571 E:mark.baldry@ribblevalley.gov.uk

Ribble Valley Borough Council
Church Walk
Clitheroe
Lancashire
BB7 2RA
www.ribblevalley.gov.uk

From: Paul Fay [mailto:paul.fay@ghaonline.co.uk]
Sent: 18 February 2014 10:42
To: Mark Baldry
Cc: gary.hoerty@ghaonline.co.uk
Subject: RE: Hipped Roof Option for Downham Road

Mark

Further to your conversation with Gary yesterday please find attached a proposal drawing for the Downham Road application (number 3/2013/1060) demonstrating the property with a hipped roof as opposed to the original plan for a gable.

Your thoughts on this would be appreciated.

08/04/2014

Regards
Paul Fay

Gary Hoerty Associates
Chartered Surveyors
6-8 Church Street
Clitheroe
Lancashire
BB7 2DG

Tel: 01200 442301
Fax: 01200 442976
www.ghaonline.co.uk



 Save Paper - Do you really need to print this e-mail?

This electronic message contains information from Gary Hoerty Associates, which may be privileged or confidential. The information is intended to be for the use of the individual(s) or entirety named above. If you are not the intended recipient be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this electronic message in error, please notify us by telephone or email (to the numbers or address above) immediately.

Activity and use of the Gary Hoerty Associates E-mail system is monitored to secure it's effective operation and for other lawful business purposes. Communications using this system will also be monitored and may be recorded to secure effective operation and for other lawful business purposes.

Best in the country for customer satisfaction – 94 per cent of Ribble Valley residents are satisfied with life in the borough (Place Survey 2009)

<!--[if !supportEmptyParas]--> <!--[endif]-->

This transmission is intended for the named addressee(s) only and may contain sensitive, protectively marked or restricted material, and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy, use, or disclose it to anyone else. If you have received this transmission in error, notify the sender immediately. All GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation. This e-mail is issued subject to Ribble Valley Borough Council's e-mail disclaimer, which you are taken to have read and accepted. Click [here](#) for further details.

This email has been scanned by the MxScan Email Security System.

Paul Fay

From: Mark Baldry [Mark.Baldry@ribblevalley.gov.uk]
Sent: 14 March 2014 08:32
To: paul.fay@ghaonline.co.uk
Subject: RE: Planning Application No: 3/2013/1060 - 70a Downham Road, Chatburn.

Paul

Thanks for the additional information regard the light assessments you have made. I will look over them and come back you. However this is unlikely to be until mid-late next week as I am out of the office from this afternoon until Tuesday morning.

Regards

Mark Baldry | **Assistant Planning Officer**

T:01200 414571 E:mark.baldry@ribblevalley.gov.uk

Ribble Valley Borough Council
Church Walk
Clitheroe
Lancashire
BB7 2RA
www.ribblevalley.gov.uk

From: Paul Fay [mailto:paul.fay@ghaonline.co.uk]
Sent: 13 March 2014 16:10
To: Mark Baldry
Cc: gary.hoerty@ghaonline.co.uk
Subject: RE: Planning Application No: 3/2013/1060 - 70a Downham Road, Chatburn.

Mark

Further to your email correspondence with Gary regarding the results of the light level assessment we commissioned for the 70a Downham Road, Chatburn application. Please find attached an explanatory report which I have prepared which outlines the assessment methods and offers a clarification of the results.

In brief the tests are industry standard tests recommended by the RICS as best practice and supported by BRE best practice guidance, and were carried out by a professional who specialises in this field.

In summary the results indicate that our development would pass all tests in regard to impact on amenity and represents no significant loss of light to the neighbouring property. As this was the only issue indicated as contributing a refusal to our development in your delegated report this should now negate any reason for not granting planning permission.

Our clients have indicated they are prepared to re-submit the application but would like clarification that it would be met positively.

I look forward to your response and if I can be of any further assistance please do not hesitate to contact me.

Regards
Paul Fay

08/04/2014

Paul Fay

From: Mark Baldry [Mark.Baldry@ribblevalley.gov.uk]
Sent: 21 March 2014 14:47
To: paul.fay@ghaonline.co.uk
Cc: John Macholc
Subject: RE: Planning Application Number: 3/2013/1060 - 70a Downham Road, Chatburn.

Paul

Thank you for providing me with the explanatory report discussing the background, methodology and findings of the light assessments that have been undertaken at 70a Downham Road.

I have now had an opportunity to consider this information and also discuss the matter further with the Head of Planning John Macholc; following these discussions I would offer the following comments.

As with other BRE tests and assessments the ones utilised here are assessments based on best practice. They are guidelines which provide a methodology which can produce a quantifiable assessment or result. They are by no means a fool proof test to determine the merits of a development, at best they can provide an assessment or guide.

Within the documentation provided the test is explained as a pass fail assessment, with a pass being defined as a difference result being anything greater than 0.8. From my own research there appears to be a secondary component to this test which states; ' The guidelines state that if the VSC at the centre of a window is less than 27% and less than 0.8 times its former value, the diffuse day lighting of the existing building will be adversely affected. A value of 27% corresponds to an infinite obstruction angle of 25 degrees.'

Whilst noting the results you have provided detail difference values which exceed 0.8, they do however appear very close to 0.8. In addition to this if we are to also include the VSC of 27% as potentially providing good daylight the gable ended structure would fail this aspect (26.33) whilst the hipped structure would only pass by 1.74%.

This therefore leads us to the conclusion that whilst the pass fail assessment utilised would indicate that both development proposals would pass the test it would appear that the pass would be marginal. It would therefore be reasonable to anticipate that the development would still result in a degree of natural light being lost which would be bordering on being significant.

I would also draw your attention to the precise wording of the recent reason for refusal which states: ' The proposed development by virtue of its design, mass, scale and proximity to the neighbouring property would lead to development that would have an overbearing impact upon neighbours which would result in overshadowing and the loss of natural light to a habitable room at the neighbouring property of No.72 Downham Road. This would be to the detriment of the residential amenity of the occupants of this property and contrary to Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Ribble Valley Core Strategy 2008-2028 (Regulation 22 Submission Draft) and the Council's adopted SPG on Extensions and Alterations to Dwellings.'

You will note that the loss of natural light was not the sole aspect of the reason for refusal, the overbearing impact the development would have upon neighbouring properties was also detailed. Whilst the assessments you have provided may technically demonstrate that any loss of light would not be significant this does not address the overbearing impact the development would have.

Therefore to conclude, whilst the assessments and discussion provided detail that both development types would pass the test applied; it would appear that these passes would be marginal. Therefore the schemes would still result in a loss of natural light to the neighbouring property and this loss of natural light would appear to boarder on being significant. In addition to which the development would still have the same overbearing impact upon the neighbouring property as was detailed in the recent reason for refusal.

I would therefore advise that were a re-submission to be made proposing either the gable ended design or the hipped roof design then it is highly likely that the eventual determination of such an application would be the same as the previous application; even if it were to be accompanied by the light

assessments you have subsequently provided to the LPA. It may therefore be the case that your clients interests are best served by pursuing an appeal of the recent decision.

Yours sincerely

Mark Baldry | **Assistant Planning Officer**

T:01200 414571 E:mark.baldry@ribblevalley.gov.uk

Ribble Valley Borough Council
Church Walk
Clitheroe
Lancashire
BB7 2RA
www.ribblevalley.gov.uk

From: Paul Fay [mailto:paul.fay@ghaonline.co.uk]
Sent: 20 March 2014 14:23
To: Mark Baldry
Subject: RE: Planning Application Number: 3/2013/1060 - 70a Downham Road, Chatburn.

Mark

Just enquiring as to whether you have had a chance to look over the explanatory report I sent you last week regarding the light amenity issue at Downham Road.
Your thoughts would be appreciated.

Regards
Paul Fay

Gary Hoerty Associates
Chartered Surveyors
6-8 Church Street
Clitheroe
Lancashire
BB7 2DG

Tel: 01200 442301
Fax: 01200 442976
www.ghaonline.co.uk



 Save Paper - Do you really need to print this e-mail?

This electronic message contains information from Gary Hoerty Associates, which may be privileged or confidential. The information is intended to be for the use of the individual(s) or entity named above. If you are not the intended recipient be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this electronic message in error, please notify us by telephone or email (to the numbers or address above) immediately.

Activity and use of the Gary Hoerty Associates E-mail system is monitored to secure its effective operation and for other lawful business purposes. Communications using this system will also be monitored and may be recorded to secure effective operation and for other lawful business purposes.

Best in the country for customer satisfaction – 94 per cent of Ribble Valley residents are satisfied with life in the borough (Place Survey 2009)

<!--[if !supportEmptyParas]--> <!--[endif]-->

This transmission is intended for the named addressee(s) only and may contain sensitive, protectively marked or restricted material, and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy, use, or disclose it to anyone else. If you have received this transmission in error, notify the sender immediately. All GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation. This e-mail is issued subject to Ribble Valley Borough Council's e-mail disclaimer, which you are taken to have read and accepted. Click [here](#) for further details.

This email has been scanned by the MxScan Email Security System.

APPENDIX 4

Planning Officer's Delegated Report

DELEGATED ITEM FILE REPORT - REFUSAL

Ref: MB

Application No:	3/2013/1060
Development Proposed:	Construction of a part two storey, part single storey side extension for residential accommodation at 70a Downham Road, Chatburn.

CONSULTATIONS: Parish/Town Council

Parish Council: No objections

CONSULTATIONS: Highway/Water Authority/Other Bodies

County Surveyor (Highways): No objection in principle but would require the provision of three off road parking spaces to be clearly demonstrated prior to the commencement of development.

CONSULTATIONS: Additional Representations

A total of 2 no letters have been received from nearby residents, their comments can be summarised as follows:

- The scale of the proposed extension would disrupt the Conservation Area.
- The building has been used as offices and premises from which the owner runs his business.
- A high number of vehicles park at the site including outside other dwellings.
- Such a large extension will be out of keeping and detrimental to the area.
- The proposal will block out light and space from my kitchen window.
- Does the rule no longer exist where only a certain percentage of the property can be extended?

RELEVANT POLICIES:

Ribble Valley Districtwide Local Plan
G1 – Development Control.
ENV16 – Conservation Areas
H10 – Residential Extensions.
SPG Extensions and Alterations to Dwellings.

Ribble Valley Core Strategy (Regulation 22 Submission Draft)
DMG1 – General Considerations.
DME4 – Protecting Heritage Assets.
DMH5 – Residential and Curtilage Extensions.

National Planning Policy Framework: Section 12.

Chatburn Conservation Area Appraisal.
Chatburn Conservation Area Management Guidance.

POLICY REASONS FOR REFUSAL:

Contrary to Policy G1 of DWLP and DMG1 of CS and SPG on Extensions and Alterations to

Dwellings.

COMMENTS/ENVIRONMENTAL/AONB/HUMAN RIGHTS ISSUES/RECOMMENDATION:

Planning consent is sought for the erection of a part two-storey part single storey side extension at 70a Downham Road, Chatburn.

At present the existing property is a detached dwelling with a flat roof garage to the side. The two are linked by an enclosed walkway. Historically the property was a rural beat Police House that is believed to date from around the 1960s. The development site is located within the Chatburn Conservation Area and is situated to the North side of Downham Road set approximately 11m back from the highway. The existing dwelling is constructed from rendered elevations under slated roofs. The existing dwelling is not characteristic of the traditional buildings within the Conservation Area in terms of construction materials and design, but nevertheless the site is within a designated Conservation Area, which is a material consideration in the determination of this application.

The proposed development is to measure 4.8m x 9.9m at ground floor level whilst at first floor level the extension will measure 4.8m x 6.4m. The extension is to be constructed to an eaves height of approximately 5m and built to an overall ridge height of 7.6m. The development will be constructed from rendered elevations under dual pitch slated roofs. At ground floor there will be monopitched roofs used at the front and rear which will act to bridge the variation in the dimensions between the ground and first floors. The monopitched roof to the front will continue across the front of the dwelling to incorporate an overhanging porch detail.

Since the original submission was made the plans have been amended to address concerns that had been raised. These amendments included the removal of proposed bi-folding doors and rooflights to the front elevation of the proposed extension at ground floor. These were considered to be alien features that would appear incongruous on a principle elevation, increasing the prominence of the development. The overall projected width of the extension has also been reduced from 5.9m to 4.8m. This was to address concerns that the proposed side extension would appear over dominant when set against the original dwelling. It is considered that the proposal as now amended is more in keeping with the existing dwelling and visually is better proportioned.

The proposed first floor element of the proposed extension would be set back from the principle elevation of the existing dwelling by 500mm and the ridge set down from that of the existing dwelling by 400mm. The inclusion of such features ensures that the proposed development does appear as a later subservient addition rather than an original feature.

It could also be argued that whilst being of no architectural or historic significance, and whilst not explicitly stated as a principle negative feature of the Conservation Area Appraisal the proposed development does represent an opportunity to renovate, modernise and update the existing property, which does not really make any particular contribution to the significance of the Conservation Area. The end result whilst remaining different to the general character of other buildings within the Conservation Area would prevent the existing building from falling into further disrepair and potentially becoming a greater harm to the Conservation Area.

The key considerations in the determination of this application are; the impact of the proposed development upon the character, setting and visual amenities of the existing dwelling. The impact of the proposed development upon the character, setting and visual amenities of the Conservation Area and what harm, if any, the development will have upon the residential amenity of the area.

It is apparent from visiting the site, that whilst the development site is located within the Chatburn Conservation Area, the existing dwelling is of no particular historic or architectural

significance. The design of the dwelling is not characteristic of the other dwellings on Downham Road, or elsewhere within the Conservation Area. Certainly the Conservation Area Appraisal identifies one of the strengths of the Conservation Area as being well kept properties. The proposed development whilst different in character could achieve this and improve the current situation.

As discussed above, the dwelling is set in excess of 10m back from the highway. The result of this being that the dwelling is relatively unsighted as you approach from the west. The development is slightly more prominent when approached from the east however the set back behind the building line of the other properties does aid in reducing the overall visual impact of the development upon the streetscene.

As discussed above the development would result in a substantial addition to the existing dwelling. It would certainly be greater than the guidance figure of 33% detailed within the adopted SPG. However the figures stated on such allowances are not intended to be prescriptive, they are intended only as a guide. As such whilst accepting that the proposed addition would be significant I do not consider it to be of such a scale and extent that would be considered to be harmful to the character, setting or visual amenities of the built environment.

Impact upon the character, setting and visual amenities of the existing dwelling and the wider Conservation Area:

In considering this application I am mindful of the provisions of Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the desirability of preserving and enhancing the character and appearance of the Conservation Area.

Any development that adversely harms the character, setting and/or visual amenities of the Conservation Area would be considered to be unacceptable.

The proposed development would result in a substantial addition to this existing dwelling being made. This will result in the visual bulk and general mass of the property increasing.

However I do not consider that the proposed development would result in harm being caused to the Conservation Area. That would warrant refusal of consent on such grounds. It could be argued that the Conservation Area could be enhanced to a degree by virtue of the property being renovated and that the proposals would be an improvement. The general location of the property being set back within the general streetscene aids to reduce any adverse visual impact which may be caused.

Impact upon residential amenity:

In considering the proposed development and the impact it may have upon the residential amenity of the area; any development that would result in a neighbouring property being significantly overshadowed or overlooked would be considered to be unacceptable.

The nearest neighbouring properties to the proposed development would be No.72 Downham Road, a semi detached bungalow situated to the North East and No.52 Ribblesdale View to the north/north west of the application site.

Having visited the site and considered the submitted details, I am satisfied that the proposed development would not adversely harm the residential amenity of the property to the rear No.52 Ribblesdale View. This is by virtue of the orientation of the two properties relative to one another. The proposed development is positioned in manner that results in the window openings being directed through the gap that exists between No.52 Ribblesdale View and the detached garage of No.72 Downham Road, which is accessed from Ribblesdale View, both

sited to the North of the application site.

The proposed development will result in an increase in the overall height of built form by virtue of the introduction of a first floor. This will have an impact upon the neighbouring property of No.72 Downham Road resulting in a loss of natural light to a window in the opposing side elevation of No.72. From visiting the neighbouring property this window in question serves the kitchen area of the property, which is also used as a kitchen diner. I did note however during my visit that the side elevation window did allow for natural light to fall into the kitchen diner space owing to its orientation to the west. In addition to which there is a further window opening on the rear of the elevation of No.72 that serves the same room.

The determination that has to be made in this instance is whether this loss of natural light and overshadowing is considered to be of such significance as to warrant the refusal of planning consent on such grounds.

The Councils adopted SPG on Extensions and Alterations to Dwellings states; 'Any proposal which reduces the level of daylight available to habitable rooms in neighbouring properties, or which seriously overshadows a neighbour's garden is likely to be refused'. The SPG then goes on to define a habitable room as; 'normally a bedroom or a living room, but not a kitchen, unless a dining kitchen or a bathroom.

Therefore in the context of this application, when assessed against the provisions of the adopted SPG the kitchen of No.72, by virtue of being a kitchen diner would be considered to be a habitable room. I therefore consider that the proposed development would by virtue of its scale, design, mass and proximity to the neighbouring property would result in overshadowing and the loss of natural light to a habitable room, this would be contrary to the provisions of the adopted SPG and be harmful to the residential amenity of the occupants of No.72. This impact would principally be caused by the provision of a first floor on the proposed development and the resulting increase in height. The actual separation distance between the two properties would remain broadly the same at approximately 8.5m.

Therefore to conclude, whilst the proposed development would appear to be a significant addition to the existing property and will change the character of the existing dwelling and its relationship to the existing built environment; on balance I do not consider the proposed development to be harmful to the character, setting or visual amenities of the existing dwelling, or the wider built environment and Conservation Area. The development would result in the modernisation of the existing dwelling, which it could be argued would be advantageous.

However as discussed above, the proposed development would result in the loss of natural light and result in the overshadowing of a habitable room of a neighbouring property. This would be prejudicial to the residential amenity of the occupants of this dwelling to an extent that I feel would warrant the refusal of consent on such grounds. I therefore recommend accordingly.

RECOMMENDATION: That permission be refused.