



Appeal Decision

Site visit made on 8 March 2011

by **J Chance** BSc 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.gsi.gov.uk

Decision date:
21 April 2011

Appeal Ref: APP/T2350/A/10/2140489

Adjacent to Manor House, Copster Green, Blackburn, Lancashire BB1 9EW

- 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 D M Clegg against the decision of Ribble Valley Borough Council.
- The application Ref 3/2010/0233, dated 17 March 2010, was refused by notice dated 12 May 2010.
- The development proposed is a detached house to garden area to side of Manor House, Copster Green (re-submission of 3/2009/0449 refused July 2009).

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are:
 - (a) the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings, paying particular attention to visual impact, daylight and sunlight, noise, and privacy; and
 - (b) the effect of the proposed development on the character and appearance of the area.

Reasons

Effect on the Living Conditions of the Occupiers of Neighbouring Dwellings

Visual Impact

3. The proposed dwelling would be only about 1m from the shared boundary with The Stone House, the adjacent dwelling to the south west. The single-storey section of that building nearer to that boundary is, I understand, used as a study. It has a side door onto the pathway around that side of the property leading to the rear garden, which is at a lower level than the appeal site. When using that pathway, occupiers of The Stone House would have the feeling that they were in a tunnel because of the proximity of the high, blank wall of the proposed dwelling to the common boundary. In addition, the side wall of the proposed house would, because of its closeness and comparative height, have an overpowering impact when seen from the parts of The Stone House's rear garden which are closer to the appeal site. The adverse visual impact of the

proposal on the occupiers of The Stone House would, in my opinion, be sufficiently severe as to harm their enjoyment of their property.

Daylight and Sunlight

4. The dwelling to the east of the site, Greenhouse Farm, is set to the rear of Manor House, with one of its main long walls forming the boundary with both Manor House and the appeal site. Within the section of that wall to the rear of the existing single-storey sun lounge at Manor House there are 2 obscure-glazed windows at ground floor level serving the main lounge at Greenhouse Farm and 1 obscure-glazed window at first floor level serving the landing.
5. The proposed dwelling would not be directly in front of the 3 windows in that nearest wall at Greenhouse Farm. Notwithstanding the substantially lower ground level of that adjacent dwelling, the proposed house would be sufficiently far away from it for there to be little reduction in daylight into the lounge or the landing area at the adjacent property.
6. However, even though the appellant indicates that the new house would be some 9m away from and at a 45 degree angle to the 3 windows concerned, and the closest corner would be of single-storey design, there would be an impact in terms of reduced sunlight into the affected ground floor room and first floor area at Greenhouse Farm. As a consequence of the difference in ground levels, the height and general higher level bulk of the proposed house and the position of the new dwelling to the south west of the 3 affected windows at Greenhouse Farm, there would be a significant reduction in afternoon sunlight received into the lounge, in particular, but also into the landing area at the existing adjacent dwelling.
7. The overshadowing effect would vary throughout the year but the reduction in sunlight would be most noticeable during the winter months when the sun would be lower in the sky. At such times, the reduction in sunlight into the lounge, in particular, at Greenhouse Farm would result in that room being much less sunny and far more gloomy and depressing during the afternoons than is currently the case. Even though there are small windows on the other main wall of the lounge, these do not allow afternoon sunlight to enter the lounge and would not off-set the overshadowing that would result from the appeal dwelling.
8. The appellant has offered to demolish the existing single-storey sun lounge at Manor House in order to mitigate any adverse impact on light into the 3 obscure-glazed windows concerned. While this might have some beneficial impact in terms of reduced evening overshadowing of the lounge windows, it would not, in my opinion, be sufficient to off-set the reduction in sunlight that would be caused by the proposed dwelling. I therefore find that the reduction in sunlight which would be caused by the appeal proposal would be so serious as to significantly harm the enjoyment by the occupiers of Greenhouse Farm of their dwelling.

Noise

9. With the removal of the existing sun lounge at Manor House and a store adjacent to the rear boundary of the appeal plot, it would be likely that there would be more general activity close to the wall of Greenhouse Farm containing

the lounge and landing windows, than under the current situation because there would be 2 households rather than 1 using the outside area.

Furthermore, the new dwelling would have a rear amenity space depth of only some 7.5m.

10. There would, in my view, be increased noise and disturbance for the occupiers of Greenhouse Farm if I were to allow this appeal. While this, on its own, would be unlikely to justify refusal of planning permission it, nevertheless, adds further to the harm to the living conditions of the neighbours from the reduction in sunlight that I have described earlier.

Privacy

11. The 3 windows on the adjacent elevation of Greenhouse Farm are currently obscure-glazed. The design of the rear of the proposed house is such that there would be no window at first floor level on the set-back section closest to Greenhouse Farm and the window next to that would be obscure-glazed, serving an en-suite facility. Even though the proposed window for bedroom 1 would be on the rear elevation, direct views from that towards the 3 obscure-glazed windows at Greenhouse Farm would be prevented because they would be beyond the limits for the normal angle of view from a window in such a position.
12. Consequently, I consider that there would be little significant loss of privacy for the occupiers of Greenhouse Farm as a result of the proposal. As to those occupiers' points concerning possible future replacement of their obscure-glazed windows by clear-glazed ones, again the limits on the angle of view from those windows even when open and the proposed 2m high boundary fence between the appeal plot and Manor House would effectively prevent any significant loss of privacy for future occupiers of the appeal dwelling.

Overall Balance

13. Notwithstanding my considerations on privacy and daylight, I nevertheless find that the living conditions of the occupiers of Greenhouse Farm would be harmed by virtue of unacceptable loss of sunlight and slightly increased noise and disturbance, and the living conditions of the occupiers of The Stone House would be harmed through adverse visual impact. Since the development would not be sympathetic to these existing land uses in terms of its size, intensity and nature and it would adversely affect the amenities of the occupiers of existing properties, it would be in conflict with criteria (a) and (e) of Policy G1 of the Ribble Valley Districtwide Local Plan (LP).

Effect on the Character and Appearance of the Area

14. Copster Green is generally a linear settlement, but with clusters and groups of development providing different gaps and spaces between the buildings. The great variety of building forms, styles and materials provides interest, while the presence and setting of The Green provides a unifying feature which also gives the settlement its distinctive character and its semi-rural feel.
15. At present the appeal site provides a gap in the frontage through which the part of Greenhouse Farm which is not to the rear of Manor House can be seen. If the appeal dwelling were to be built, it would make the long building at

Greenhouse Farm an entirely backland development, which is not a characteristic form of development in Copster Green.

16. In addition, the insertion of what would be a substantial sized dwelling into a compact plot would give little space between the building and the plot boundaries on either side. Furthermore, the proximity of the proposed building to The Stone House, which is in itself a building of considerable size, in addition to the built form of Greenhouse Farm behind, would result in a much more built up appearance to this part of the settlement close to this end of the split in the road. Even though the removal of the existing sun lounge at Manor House would provide a gap between the new dwelling and the building of Manor House, this would still not prevent the new development from appearing to be too close to The Stone House and would not give sufficient spacing for the appeal development to have a satisfactory appearance that would not detract from the character of the settlement. The mass and bulk of built form along this section of the highway without relief in the form of appropriate spacing at both sides of the appeal development would be more akin to an urban situation and would be at odds with the semi-rural character of the settlement.
17. I find that what is proposed would just be too large a scale for its particular site and would have an adverse effect on the character and appearance of its surroundings.
18. The appellant makes reference to the lack of space between the dwellings on the opposite side of the road network in support of the proposal. However, I saw that while those buildings are close together, the properties are generally bungalows and dormer bungalows with significantly less bulk and mass than would be the case on the appeal site side of the road, if the appeal development were to be built. Moreover, sometimes there are garages between the buildings opposite which helps to maintain more of a sense of higher level spacing than would be the case with the appeal proposal, particularly as the backdrop of the built form of Greenhouse Farm behind would further increase the perception of an overall lack of space between and about the buildings. In any event, any inappropriate relationship between buildings elsewhere in the settlement does not justify allowing this proposal which I consider would have an adverse visual impact on the locality.
19. I therefore find that the proposed development would harm the character and appearance of the area. As such, it would be contrary to the relevant part of criterion (e) of Policy G1 of the LP. Furthermore, as it would not reflect the character of the village in terms of scale, design and density and would have a detrimental visual impact on the locality, the proposal would not be acceptable infill development and would conflict with the intentions of LP Policy G4. In addition, the proposal is also contrary to the first and third criteria of Policy DP 7 of the North West of England Plan Regional Spatial Strategy to 2021. However, while this policy is part of the development plan and I attribute it some weight, I note that the Government has a commitment to revoke Regional Strategies.

Other Matters

20. I have taken account of points made by the appellant about extensions and additions which have been allowed at Greenhouse Farm, and at other

properties in the settlement; and matters associated with the Planning Officer's comments at pre-application stage. I have not been provided with the planning histories relating to the properties concerned and am unable to make informed comparisons with the appeal proposal. Nevertheless, I have determined the appeal proposal on its own merits and found it to be unacceptable for the reasons given. Moreover, Officer opinion at pre-application stage is not binding.

21. I have had regard to concerns raised about highway safety matters, loss of trees, the amounts of amenity space for the proposed dwelling and Manor House, the adequacy of local drainage system and the adequacy of the Design and Access Statement submitted with the application. While I saw that there are clear restrictions on parking and heavy traffic flows because of the nature of the road system, the additional traffic generated by this proposal would not significantly worsen the highway safety situation over and above the present constraints. Moreover, I note that the Traffic and Development Engineer has no objections in principle, subject to lowering of the height of the boundary wall. These matters do not change my considerations on the main issues.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Chance

INSPECTOR