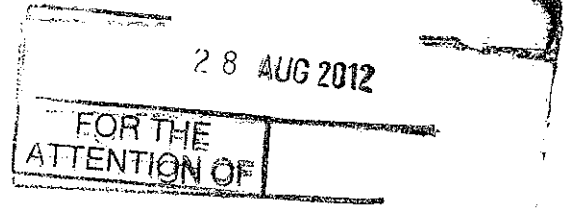


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Planning Appeal Statement



Appeal on behalf of Haydock Developments Ltd against the decision of Ribble Valley Borough Council to refuse a full planning application for the erection of a dwelling on land between No. 54 and No. 52 Knowsley Road, Wilpshire, Blackburn, BB1 9PN

Ribble Valley Borough Council Reference: 3/2012/0390

8th August 2012

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1.0 Introduction

- 1.1 This statement has been prepared to accompany a planning appeal (written representations) submitted on behalf of Haydock Developments Ltd against the decision of Ribble Valley Borough Council to refuse a full planning application for the erection of a dwelling on land between No.54 and No.52 Knowsley Road, Wilpshire, Blackburn (Reference:3/2012/0390).
- 1.2 Despite benefitting from a planning officer recommendation for approval (subject to conditions) the planning application was refused by planning committee at a meeting on 19th July 2012 (the voting was narrowly contested with a result of seven against, five in favour).
- 1.3 The purpose of the statement is to demonstrate that, contrary to the reason for refusal, the proposal complies with the relevant policies of the development plan and that the planning appeal should be allowed. It is important that the statement is considered within the context of all the documents submitted as part of the planning appeal.

2.0 Background

2.1 The site has previously been the subject of two unsuccessful planning applications for the erection of a single dwelling (Reference: 3/2010/0675 (withdrawn further to planning officer comments) and 3/2011/0091 (refused by delegated decision)¹). In each instance (and in this also) the acceptability of the principle of residential development on the site was firmly established; the issue of contention was one of the appropriateness of design.

2.2 In developing the proposal the applicant has actively sought to address the design issues associated with these earlier planning applications. As part of this process a formal pre – application enquiry was submitted to the Council in December 2011 (see accompanying pre – application enquiry documents). This presented a form of development generally consistent with the layout and siting of the previous schemes but with several key differences (for comparative purposes see the accompanying Planning, Design and Access Statement – Appendix A):

- A reduction in the number of bedrooms from three to two resulting in a 30m² reduction in floor space (GEA);
- A reduction in the height of the southern section of the building to a single storey with a flat roof and re – positioning of the two storey element away from No.52;
- Setting of the two storey element of the building into the bank on the northern boundary so that the proposed roof level would be similar to that of the adjoining single storey garage of No.54, thus preventing overshadowing and retaining any views across the site in a south-westerly direction from the window above the garage;
- Removal of all windows from the northern elevation of the two storey element (directly facing No.54);
- Removal of the provision of chimneys for solid fuel heating; and
- Reduction in the height of the frontage boundary wall to improve highway visibility splays.

2.3 Feedback received from a meeting held with planning / tree officers in March 2012 was positive and further to some amendments the planning application was submitted. The amendments included:

- Re – positioning of the frontage building line of the single storey element to align with the garage of No.52 (resulting in a further reduction of 5m² of floor space (GEA)); and

¹ An earlier application (Reference: 3/2008/0885) was withdrawn due to insufficient supporting information being available for submission.

- Re – positioning of windows on the southern elevation of the single storey element to avoid a direct relationship with the kitchen window of No.52 and change of specification of the windows to obscure glazing.

2.4 Following submission of the planning application an additional amendment was made in July 2012 in response to feedback received from consultees:

- Removal of a window to the first floor rear bedroom to prevent overlooking of the rear garden of No.52.

2.5 It is considered that these amendments have secured a form of development that responds positively to the design issues associated with the previously unsuccessful schemes and the representations submitted by consultees. This is supported in the planning officer's evaluation against the relevant policies of the development plan and the subsequent recommendation for approval.

3.0 Comments on Grounds for Refusal

3.1 The reason for refusal comprises two elements which are summarised and contested as follows:

i) *The development would have a detrimental impact on the streetscene due to its scale, design and massing.*

3.2 The configuration of the site has demanded a bespoke housing design; whilst this is of a distinctive form it shares a comfortable relationship with the adjacent properties and the streetscene. In demonstration of this a number of observations are relevant:

- The orientation of the adjacent properties is notably different; No.52 lies parallel to Knowsley Road whilst No.54 is offset at c.45° in response to its positioning at the junction of Knowsley Road and Woodcrest. Each of the elements of the proposed building is sited on a similar orientation to that of the adjacent property and consistent with the alignment of their frontages. This creates a stepped arrangement which provides a transition between the differing orientations of the adjacent properties.
- The setting of the two storey element into the bank on the northern boundary ensures that the roof level would not extend beyond that of either of the adjacent properties. The roof level of the single storey element is also similar to that of the garage to No.52.
- The composition of the building is such that it would not appear dominant. The two storey element is set within the context of an existing dwelling at a higher ground level and orientated on an alignment that extends away from the site frontage. The difference in height between the two elements offers a contrast which disrupts the principal public elevation and the overall massing (this is different to previous schemes which proposed a two storey dwelling across the whole width of the site in line with the frontage of No.52).
- The building would not have a cramped appearance; it is set back from the highway and appropriate distances from the site boundaries and adjacent properties. The provision of parking, garden area and landscape planting to the site frontage is consistent with other dwellings along Knowsley Road.

ii) *The development would have a detrimental impact on neighbouring residential amenity by virtue of overlooking and overbearing impact.*

3.3 As detailed in Paragraph 2.2, the setting of the two storey element of the building into the bank on the northern boundary ensures that the proposed roof level would be similar to that of the adjoining single storey garage, thus preventing any overbearing or overshadowing of No.54 (although private views are a non – material consideration in the determination of planning applications, this will also ensure that views across the site in a south – westerly direction from the window above the garage will be largely retained). As there are no windows directly facing No.54 in the northern elevation there will be no direct overlooking (the window in the stairwell at first floor level is non – habitable and at an oblique angle to

those of No.54). Furthermore, appropriate measures have been taken to protect the hedgerow on the northern boundary (also supplemented by planning conditions recommended by the planning officer) which will screen the proposed building from the outlook from the rear patio doors and garden area of No.54.

- 3.4 The flat roof construction of the single storey element and the offset siting of the two storey element secure a relationship with No.52 that avoids overbearing impact and provides for light penetration to the ground floor kitchen window. The impact of the proposed building on light penetration would be no greater than the existing 1.8m high timber panel boundary fence within 1m of the window. As detailed in Paragraph 2.3, the windows on the southern elevation of the single storey element have been positioned to avoid a direct relationship with the kitchen window of No.52 and specified as obscure glazed (the planning officer has recommended a planning condition to secure the retention of obscure glazing in perpetuity and introduced an additional specification requirement that any window openings must be restricted to 45°). The orientation of the two storey element is such that the windows have no direct relationship with those of No.52. Although windows overlook the front garden of No.52 this is the public aspect to the property and as such this would have no detrimental effect on the privacy. There are no windows that overlook the private rear garden of No.52.

4.0 Conclusion

- 4.1 The rationale underpinning both elements of the reason for refusal is perceived detrimental impact upon the amenity of neighbours and the locality contrary to Policy G1 of the Local Plan. Although the proposed development would undoubtedly result in change, this statement demonstrates that its effects would not be adverse. This is as a result of a proactive approach to project design incorporating feedback from the Council and consultees.
- 4.2 The appropriateness of the design has been supported by the Council's planning officer, who in the committee report proposes a number of planning conditions to secure measures that would prevent any future erosion of neighbour amenity. The applicant is accepting of these conditions.
- 4.3 Therefore, contrary to the reason for refusal, the proposal complies with the relevant policies of the development plan and the planning appeal should be allowed.

