



Appeal Decision

Site visit made on 10 February 2012

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

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

Decision date: 20 February 2012

Appeal Ref: APP/T2350/D/11/2167210

Strathaven, Whalley Road, Billington, Lancashire BB7 9LG

- 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 Miss Amanda Mallet against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2011/0778, dated 23 September 2011, was refused by notice dated 1 December 2011.
 - The development proposed is to install a new window to the side elevation.
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Application for Costs

1. An application for costs was made by Miss Amanda Mallet against Ribble Valley Borough Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted to install a new window to the side elevation at Strathaven, Whalley Road, Billington, Lancashire BB7 9LG in accordance with the terms of the application, Ref 3/2011/0778, dated 23 September 2011.

Reasons

3. A window has already been installed in the side gable of Strathaven although details of the window surround differ from that shown on the submitted plan. However, this does not affect the main issue which is the effect of this window on the privacy of the occupiers of Gunnerside. Due to land levels the window in question is in an elevated position and serves a lounge above a garage. Gunnerside is a bungalow on a lower level although this is elevated above the road. Concern about privacy relates to a front bay window and the front garden.
 4. The front garden is already open to public view and this is a busy road with a school opposite. The view from the window at Strathaven is no more intrusive than the view from public areas. I also do not consider that the objectives of policies G1 and H10 of the Ribble Valley Districtwide Local Plan or the Council's Supplementary Planning Guidance *Extensions and Alterations to Dwellings* were intended to protect privacy of front gardens.
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5. Turning to the front bay window, this also is on the public part of the bungalow facing the road. Whilst the occupiers of Gunnerside may perceive their privacy is affected by the window, in reality there is no greater loss of privacy than if the window were not there. If anything there is very limited views into the house itself and these are oblique and obscured by a pergola in Gunnerside's garden. In addition to viewing Gunnerside from the window I also viewed it from the front balcony. From here there is a much more direct view although even then this involves looking backwards at Gunnerside from the side of the balcony.
6. I have considered all other matters raised none of which alter my conclusion. I conclude that I can find no loss of privacy to the occupiers of Gunnerside from the window, no conflict with the policies or guidance referred to and therefore allow the appeal.
7. As I find that no loss of privacy has occurred there is no necessity to impose the condition suggested by the appellant that the window be obscurely glazed. The Council has not suggested any conditions and in the light of Circular 11/95¹ I do not consider any necessary.

J D Clark

INSPECTOR

¹ Circular 11/95 *The use of conditions in planning permissions*
