



Appeal Decision

Site visit made on 28 November 2012

by Stephen Roscoe BEng MSc CEng MICE

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

Decision date: 15 January 2013

Appeal Ref: APP/T2350/A/12/2181079

**Land Between No 52 and No 54 Knowsley Road, Wilpshire, Blackburn,
Lancashire BB1 9PN**

- 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 Julian Hindle, Haydock Developments Ltd against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2012/0390, dated 19 April 2012, was refused by notice dated 20 July 2012.
 - The development proposed is the erection of a dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - i) the effect of the proposal on the living conditions of adjacent occupiers in relation to daylight, privacy and whether there would be any visual intrusion; and
 - ii) whether the proposal would have a harmful effect on the character and appearance of the surrounding area.

Reasons

Living Conditions

3. A side elevation of the house at No 52 Knowsley Road faces the appeal site and lies in close proximity to its boundary fence. A ground floor window on this elevation provides the primary source of daylight and outlook to a kitchen/diner within the house.
4. The single storey element of the proposed dwelling would be situated in close proximity to the boundary of the appeal site and the window of the kitchen/diner. This element of the proposed dwelling would occupy virtually the whole width, and a significant part of the height, of the outlook from this window above the boundary fence. The top of the fence approximates to eye level within the room. The proposal would therefore be visually intrusive to, and result in inadequate daylight for, occupiers of the room. It would thus be unsympathetic to the amenity of existing land uses in conflict with Local Plan¹ (LP) Saved Policy G1.

¹ Ribble Valley Districtwide Local Plan: June 1998

5. The appeal representations show a possible sightline from the kitchen/diner window. The line would however commence from a point below eye level, and thus does not represent the view seen at the site visit.
6. The elevation of the house at No 52 which faces the appeal site includes a first floor window that serves a bedroom. The entrance to the main part of this bedroom, and a significant area of this part of the room, would be visible through this window from a first floor bedroom window in the proposed dwelling. These views would be available from various vantage points within the proposed bedroom, notwithstanding the angle that would exist between the two windows. This would result in unacceptable overlooking and an inadequate level of privacy for the occupiers of No 52 in conflict with LP Saved Policy G1.
7. A conifer hedge lies just inside the boundary of the property at No 54 Knowsley Road where it runs alongside the appeal site. The hedge provides privacy for the occupiers of the property at No 54. The proposed dwelling, and its likely foundations, would lie outside the root protection zone for the hedge, based on a tree survey undertaken within the past 12 months. The construction of the proposed dwelling could also be regulated by means of a condition to avoid harm to the hedge. The proposal would not therefore result in a harmful loss of privacy to the occupiers of No 54 in relation to the boundary hedge.
8. The first floor of the proposed dwelling would include a stairwell window. It would however be orientated at an oblique angle to the more sensitive areas of the property at No 54, and the window thus would not result in any unreasonable loss of privacy to the occupiers of No 54.
9. In views from the dwelling and garden of No 54 Knowsley Road, there would be some loss of nearby roofscape and vegetation where it is visible at present. The more distant skyline would however generally remain, and the proposed dwelling would not therefore be visually intrusive to these occupiers.
10. Whilst the proposal would not be visually intrusive to, or cause harmful loss of privacy for, the occupiers of No 54, this would not outweigh the other harm identified. The proposal has also been previously amended to address various concerns, but these amendments would not overcome the harm identified.
11. I therefore conclude that the proposal would have a harmful effect on the living conditions of adjacent occupiers in relation to daylight, privacy and visual intrusion. I further conclude that it would thus conflict with Local Plan Saved Policy G1 in this regard.

Character and Appearance

12. The appeal site forms a somewhat unusual gap in development along Knowsley Road, which lies within the settlement limit for Wilpshire, as defined in the LP. The height and mass of the proposed dwelling would be compatible with the dwellings to either side of the site and indeed the cross fall of the site. The front elevations of the proposed dwelling would also be compatible with the primary building lines of the dwellings to either side of the site. Furthermore, the proposed front gable would be subservient to the dwelling at No 54 due to its lower height and similar width.
13. The extent of development in plan form would be similar to other nearby plots, with the exception of the small rear garden. Rear gardens in this locality however contribute little to the public character and appearance of the area,

and the size of the rear garden would thus be no reason to dismiss the appeal. The gap between the proposed dwelling and those to either side would also be similar to others nearby, particularly above ground floor level. As a result of all of these points, the proposal would exhibit a sufficiently high standard of design as required by LP Saved Policy G1.

14. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the surrounding area and that it thus would not conflict with Local Plan Saved Policy G1 in this regard.

Other Matters

15. The Council is of the opinion that it has a housing land supply of over 5 years. Even if this is not the case, as suggested by the appellant, the proposal would represent a poor quality built environment. This would not reflect the needs of the community in terms of the living conditions of the occupiers of No 52 Knowsley Road. The proposal would therefore conflict with the social role of sustainable development, and this conflict would outweigh any need for housing in this particular appeal.

Conclusion

16. Although no harm has been found in respect of the character and appearance of the surrounding area, this would not outweigh the other harm identified. Having also taken into account all other matters raised, none carry sufficient weight to alter the decision. I therefore conclude that the appeal should be dismissed.

Stephen Roscoe

INSPECTOR