

## DEVELOPMENT CONTROL COMMITTEE

Date: 13<sup>th</sup> December 2018

### PART III

#### Town and Country Planning Act 1990 Appeal by Mr Norman Holt

#### Planning application APP/2018/0263 30 Dovedale Drive, Burnley, BB12 8XD

The appeal was made against refusal of planning permission for a proposed garage extension.

The appeal was dealt with under the WRITTEN REPRESENTATIONS procedure and was **DISMISSED**.

Estimated cost of Officer time: £250

Officer Recommendation – Refused under the Council's Scheme of Delegation.

#### Relevant Policy

Burnley's Local Plan (2018) – Policies: IC1, SP5.  
National Planning Policy Framework (NPPF)

#### Reason for Refusal

*The proposed extension by reason of its position and size would adversely affect the amenities of a footpath (that passes immediately adjacent to its side wall), unduly constricting and enclosing the footpath, thereby causing it to be less amenable, convenient and secure. This would be in conflict with Policies GP1, GP3, H13 and TM5 of the Burnley Local Plan, Second Review, currently saved.*

#### Inspector's Considerations

##### *Procedural*

1. Burnley's Local Plan (2018) was adopted after the refusal of permission. The policies IC1 and SP5 supersede policies of the earlier plan, carry full weight and are relevant to the reasons for refusing planning permission.

### *Main Issue*

2. The main issue is the effect of the proposed garage extension on the users of the adjacent footpath.

### *Considerations*

3. The appeal site is a detached house with a double garage. The proposal would extend the garage close to the side boundary which adjoins a footpath. The footpath is narrow with hedges and fences to the side together with a timber structure to the neighbouring house, No.32 Dovedale Drive. Once past Nos.30 and 32 the footpath leads into a wooded area.
4. The footpath between the houses is currently constrained by its narrowness and the erection of the garage extension so close to the boundary would intensify the sense of enclosure. Whilst the proposal would not prevent use of the footpath, the further sense of enclosure would add to the perception of enclosure and insecurity.
5. The footpath was part of earlier proposals for housing development of which No 30 was part. Whilst the development policies have changed since that development, current policies IC1 and SP5 are relevant. These seek to promote sustainable travel and safe and convenient access including that for pedestrians and cyclists. The proposal would conflict with the policies in terms of the perceived safety of the footpath due to its further sense of enclosure.

### *Decision*

6. The proposed extension would have a harmful effect on users of the footpath, and the appeal was dismissed on that basis.

### Background Papers

Planning Application file APP/2018/0263.

The above papers are available for inspection Housing and Development Control, Parker Lane Offices, Burnley. (Telephone 01282 425011 Extension 3289).

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3.12.2018