

DEVELOPMENT CONTROL COMMITTEE

Date: 21st March 2019

PART III

The Town and Country Planning Act 1990

Appeal by Mr John McGauley

APP/2018/0177 – Appeal against refusal to remove conditions 3 and 14 of planning permission APP/2017/0123 for conversion of barn to dwelling at Clow Barn, Manchester Road, Dunnockshaw, Burnley

The appeal was dealt with by way of written representations and was ALLOWED on the 19th February 2019.

Estimate of Officer time: Janet Filbin

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

Background

The appeal concerned Condition 3 which required the replacement of uPVC windows and doors (which had been installed prior to the planning permission being granted for a change of use) with windows and doors of timber construction within six months of the approval (approval dated 11 July 2018) and Condition 14 that prohibited external lighting other than low level lighting.

Relevant Policy

Burnley's Local Plan (July 2018)

SP5 – Development quality and sustainability

EMP6 – Conversion of rural buildings

Inspector's Considerations

The Inspector identified the main issue as whether the disputed conditions are reasonable and necessary to preserve the character and appearance of the area.

The Inspector considered that the permitted scheme incorporates new openings and expanses of glazing which, regardless of the material, give the building a more domestic character. He considered that the window details and use of decorative horns are identifiable only at close range and are not readily discernible from distance. He stated that given the changes established by the planning permission that the use of uPVC would now have only a limited effect on the building's character and that the principal views of the building are from the road (Manchester Road) from where the building is seen in the context of the very close neighbouring properties which also have uPVC windows. At this distance, he judged that the window details are difficult to detect. He concluded that the visual effect of the uPVC windows

and doors on this building would be very limited and would not harm the character or appearance of the area.

In respect of Condition 14 (external lighting), he stated that whilst the absence of light at night is a particular characteristic of rural areas, he considered the site to be reasonably near to built-up areas of Manchester Road which has street lighting. He also considered that the site's low level position between the road and the hillside beyond the site would mean that the light from security lights [up to first floor level on the barn] would not come from a high level or conspicuous position. He also remarked that there would be light from first floor windows of the barn conversion and from the existing cottages. He stated that it is not uncommon for security lights to be installed on rural properties. He concluded that the high level security lights on the barn conversion do not harm the character or appearance of the area

Inspector's Conclusion

That the windows and doors as installed and external lighting, do not harm the character or appearance of the area. The appeal was allowed on this basis and a new permission issued without conditions 3 and 14.

Background Papers

Application file APP/2018/017, APP/2017/0123. The above papers are available for inspection from Housing and Development Control, Town Hall, Manchester Road, Burnley BB11 9SA (contact: 01282 425011 Ext 3216).