

**Application Recommended for Approve with  
Conditions**  
Queensgate

**HOU/2022/0012**

Town and Country Planning Act 1990  
Proposed single storey extensions to the side and rear  
11 Mansergh Street Burnley Lancashire BB10 1TR

Applicant: Mrs Zubaida Fazal

**Background:**

The application site relates to an end terrace dwelling located in Burnley. The property benefits from a garden to the front, side and rear. The application is a resubmission of a previously refused application ref HOU/2021/0524. The development was refused due to the development have an unacceptable impact on no 13 Mansergh, an unacceptable loss of private amenity space for the occupier and its design.

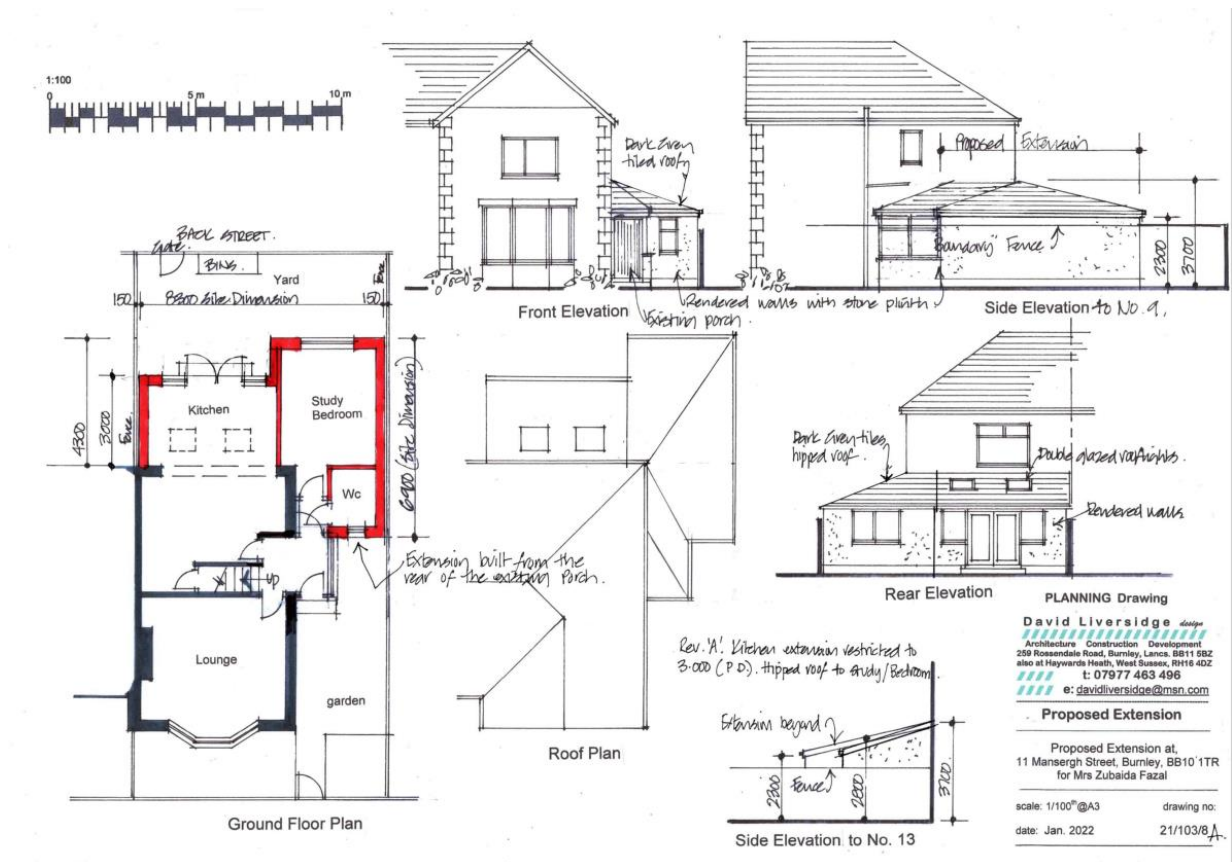
The application has been brought to Development Control Committee as a letter of objection has been received.



**Proposed development:**

Consent is sought for the development of the porch to the side and erection of an extension to the side and rear of the property. The side extension has a sideward projection of 2.8m and measures 6.9mm in length as it links to the proposed study/bedroom extension that has a 4.3m rearward projection. The kitchen extension proposes a rearward projection of three metres. The total width of the rear extension measures is 8.3m. The extensions form two separate lean to extensions that are of the same height measuring at 2.3m at the eaves and 3.7 in maximum height.

When compared with the previous refusal the overall footprint has reduced.



## Relevant Policies:

### Burnley Local Plan

- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- HS5: House Extensions and Alterations
- SP5: Development Quality and Sustainability

### NPPF

## Site History:

App Number	Proposal	Status	Received Date	Decision Date
HOU/2021/05 24	Proposed single storey extensions to the side and rear	REF	01.09.2021	14.12.2021

## Consultation Responses:

Highways - The Highways Depot (Burnley District)	No objections.
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## Interested Party Comments:

One letter of objection has been received with concerns that the development would result in an unacceptable loss of light to the kitchen and garden area of their property.

## Planning and Environmental Considerations:

The key issues in relation to this application are:

- Principle of Development
- Visual Amenity / Design
- Residential Amenity

### Principle of Development:

The site is located within the development boundary of Burnley of the adopted Local Plan, as such Policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale. Given that the works will take place within the curtilage of an existing dwelling sited within the development boundary of Burnley the principle of the development is considered acceptable.

### Visual Amenity and Design:

Local Plan policy SP5 sets out requirements for the design quality of all types of development. Policy HS5 further sets out a requirement for the extension to remain subordinate to the existing building with appropriate building materials and that the extension should not have an adverse impact upon the character of the street scene. Also, the proposal should not lead to an unacceptable loss of useable private amenity space.

Paragraph 126 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

As the property is an end terraced dwelling it benefits from a garden to the rear, side, and front. The proposed development would wrap around the side and rear of the dwelling behind the existing porch. The side extension would extend to the shared boundary and the rear extension would have a rearward projection of 4.3m reducing to 3m. The overall footprint of the extension has reduced considerably therefore the property would retain garden space to the front, side and rear. The side and rear

extension is considered to remain subservient to the main dwelling in terms of its scale and proposed materials. Furthermore, the extensions both form a hipped roof and therefore the side extension will have an acceptable impact on the visual amenity of the area when viewed from Mansergh Street.

### **Impact on Residential Amenity**

Policies SP5 and HS5 seek to ensure that development does not result in an unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reasoning of overlooking, lack of privacy or reduction of outlook or daylight.

The neighbour with the most potential to be impacted by the proposed development is the attached neighbour, no 13 Mansergh Street. This neighbour benefits from a ground floor window and door on the rear elevation. The window is a bay window that projects from the rear elevation by approximately 0.5m and has windows on the sides and rear. Between the site and this neighbour there is an existing boundary wall that measures approximately 2m in height. The proposed development has been amended so that the rearward projection of the extension on this shared boundary is restricted to 3m to ensure that the development has an acceptable impact on this neighbour. When assessed against the 45degree rule the extension would result in some loss of light however it would not be so significant to warrant refusal of the development. As well as this the 3m rearward projection is not considered to result in an overbearing impact on the neighbour's property or garden area. The 4.3m rear extension is set far enough away from the shared boundary to ensure this extension does not result in the loss of light or overbearing impact to this neighbour.

The neighbour to the west, no 9 Mansergh Street is also an end terrace dwelling, and it shares a side boundary with the application property. The proposed extension to the side of the dwelling would extend 2.6m along this shared boundary. The side extension proposes a lean to roof therefore on the boundary the maximum height would be 2.3m. This neighbour benefits from a porch to the side but would not have any other windows facing the extension. As such the proposed side extension would not have a detrimental impact on this neighbour.

The extension to the rear proposes a maximum height of 2.3m on the shared boundary gradually increasing to 3.7m when the extension meets the rear wall. When assessed against the 45 degree rule the proposed extension would not result in the loss of light to the rear elevation of this neighbour. Due to the separation distance between the neighbouring property and the side wall of the extension, it is considered that this extension would not have a significantly detrimental impact in terms of overbearing impact to warrant refusal of the application.

### **Recommendation:**

That planning consent be granted subject to conditions.

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Proposed Floor Plans and Elevations: Dwg no 21/103/8A amended plan received 07 March 2022.

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

Reason: To ensure that the materials to be used are appropriate to the locality.

RB  
Planning and Compliance Officer