

**Application Recommended for APPROVE with  
Conditions**  
Brunshaw

HOU/2023/0031

Town and Country Planning Act 1990

Proposed rear extensions and external works to adapt the property for a disabled individual.

30 Deer Park Road, Burnley, Lancashire BB10 4SD

**Background:**

The application is presented to committee as objections have been received.

The application property is a 3 bedroom detached stone/artificial slate bungalow of unusual layout and appearance, set within its own garden, in a residential area. It is within the Development Boundary of Burnley as defined by the Adopted Local Plan.

**Proposal:**

To extend the bungalow to the rear plus infilling of an 'L' shaped area to the rear of the existing attached garage. The submitted plan describes materials as 'reconstituted stone' and 'slate' to match. There will also be internal re-modelling to create a living environment for parents plus a disabled child, including a carer's room and a guest room, thus a total of five bedrooms.

An amended plan was received on 30.03.2023 showing the element closest to the boundary with No.32 Deer Park Road set back to line up with side elevation of existing garage, to move it further from neighbour's habitable room window.

**Relevant Policies:**

Burnley's Local Plan July 2018.

HS5 – House Extensions and Alterations

HS4 – Housing Development

SP1 – Achieving Sustainable Development

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

IC3 – Parking

Residential Extensions SPD (October 2022)

National Planning Policy Framework 2021

**Site History:**

PRE/2022/0681 – request for advice on potential to extend in similar manner to the current proposal. The Officer's conclusion was thus:

*'The principle of an extension to this property is acceptable. However, I am concerned about the proximity of the proposal to what appears to be a habitable room window in the side elevation of the adjacent dwelling. In order to receive planning permission*

*therefore, the matter of impact upon the amenity of occupants needs to be addressed satisfactorily. If you cannot address it, planning permission is likely to be refused.'*

### **Consultation Responses:**

Highways – no objection but would expect to see an electric vehicle charging point as part of the scheme. (Note – the submitted plan does indicate a charging point attached to the side of the garage)

### **Objections/Comments**

Four objectors to date main points being:

- Proximity of proposed extension to a habitable room window on the side elevation of No.32 Deer Park Road. The window of concern is the primary source of light into the living room of No.32.
- Loss of outlook leading to reduced quality of life for occupants of No.32.
- Window considered the main habitable room window in the living room of No.32 is shaded by conifers growing at No.30, thus reducing light.
- Room elsewhere on the plot to build.
- Increased roof area would reduce ability of land to drain.

### **Article 35 Statement**

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application as (originally submitted) and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

### **Visuals:**

Front Elevation

No.32



No.32

Rear Elevation



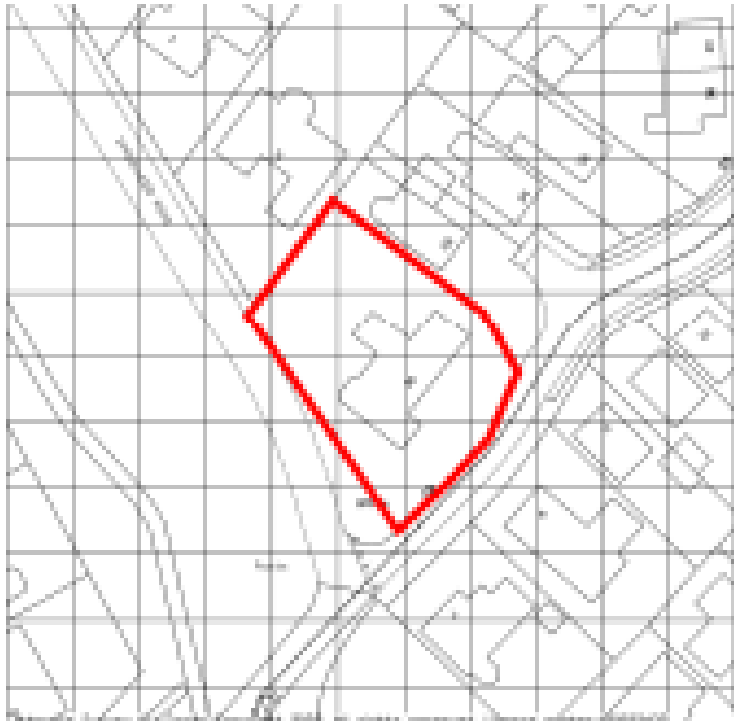
Side Elevation of No.32



Front Elevation of No.32



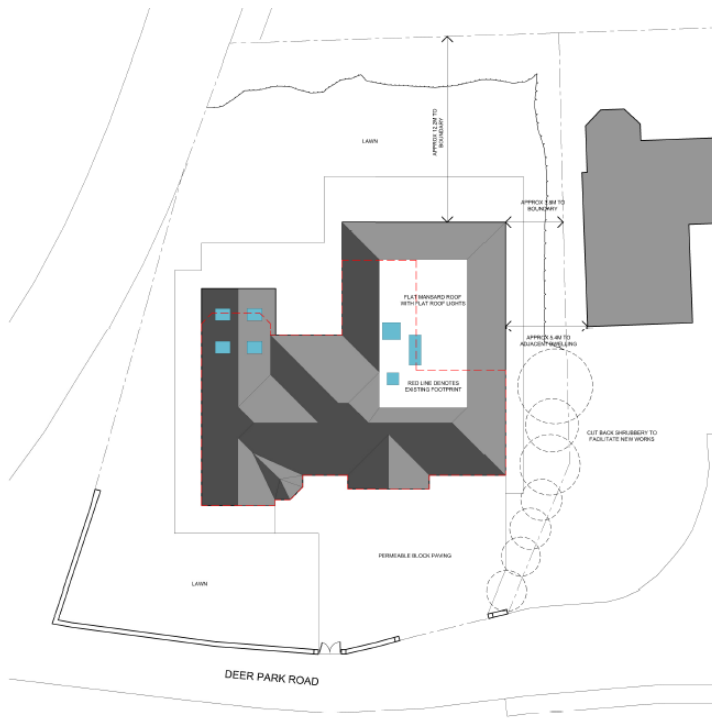
## Location Plan



## Existing Layout Plan



## Proposed Layout Plan



## Existing Elevations



**FRONT ELEVATION**



**SIDE ELEVATION**



**REAR ELEVATION**



**SIDE ELEVATION**



## **Planning and Environmental Considerations:**

*The main issues for consideration in the determination of this application include:*

- Principle
- Design and impact upon the area
- Impact upon neighbouring amenity
- Parking

### **Principle:**

The property is within the urban area of a Principal Town (i.e. Burnley) as identified within the Adopted Burnley Local Plan. Subject to compliance with other Local Plan Policies, the principle of alterations to dwellings is acceptable if *'of an appropriate type and scale'* in this area under Policy SP4.

### **Design:**

Policy SP5 requires *'high standards of design, construction and sustainability in all types of development.'* This is reiterated in Policy HS5, which states *'Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5'*.

The proposed extension as amended is to the rear of the existing property and in aesthetic terms it will make little difference to the appearance of the bungalow when viewed from the highway. The extensions will have a pitched roof with a ridge at a lower level than the highest ridge of the host property and be faced in materials to match.

SP5.2.a requires that designs respect existing street layouts, scale and massing. The proposal would do this given that little of it will be visible when viewed in conjunction with other dwellings in the street.

SP5.2.i requires that bins and recycling containers be located in *'adequate and carefully designed storage'*, in a way that is convenient for occupants. No dedicated bin or bicycle storage is proposed, however access will be available to move bins from the rear to the front of the property as necessary, and the attached garage is shown as having a floor area of 26sq.m, large enough for a car and a number of bicycles.

### **Neighbouring Amenity**

To front (south east) – no habitable rooms are proposed and there is no forward extensions so the impact will remain as existing.

To rear (north west) – The main room windows will face into the property's own garden, onto considerable boundary planting and the side elevation of the bungalow to the rear. Due to the distance, screening and orientation there will be no detrimental impact on this property.



To side (south west) – A blank elevation will face the property's own garden, considerable boundary planting and the highway beyond raising no issues.

To side (north east) –. The proposed extension (as amended 30.03.2023) will bring the host property to within 3.8m of the boundary between Nos.30 and 32, and within 5.4m of the side elevation of No.32. On the facing elevation of number 32, there is a secondary habitable room window and two frosted glass windows serving a bathroom and kitchen.

The proposed extension will contain a door and two small windows which serve the room labelled as carer's room which whilst not facing the side of No.32 directly due to the juxtaposition of dwellings, will, if a 45 degree line is projected from its centre, allow views over the front garden of No.32.

The 45 degree sector also includes a secondary habitable room window in the side elevation of No.32 at approx. 6.5m distance, and views from one room to another would be possible only if one chose to stand at an angle. The window in the side elevation of No.32 has a high cill, thus reducing potential intrusive views further. The boundary between the properties is planted, further reducing potential views. On balance it is not considered that the potential for overlooking is of sufficient significance to require refusal in this instance. A condition preventing further openings in this elevation is suggested.

The impact of the proposed extension upon the amenity of occupiers of No.32 needs to be considered in view of the bulk of the proposed extension and its proximity to the habitable room window in the side elevation of No.32. The window serves a living room. This room also has a larger window, on the front elevation of the dwelling. The window on the front elevation is larger than that at the side and therefore it is reasonable to describe it as the primary window to that room. The proposed extension does not impact upon the front window. The proposed extension would be 2.3m high to eaves and 4.6m high to its ridge. Given the height to eaves and the fact that the roof plane would slope upwards, away from the boundary with No.32, whilst it would be clearly visible from the side window of No.32, it is hard to argue that it would be over-dominant.

Amended plans have been received which reduce the width of the extension by approx. 1.2 metres from originally submitted which is considered to improve the relationship with the neighbour sufficiently. On balance the relationship is now considered acceptable.

## **Parking**

IC3 requires adherence to minimum standards set out in Local Plan App.9. In this instance a dwelling with five bedrooms would require 3 off-street parking spaces. The proposal incorporates an internal garage and existing parking area in the front garden is sufficient to accommodate more than the additional two spaces required.

No bicycle storage is shown, contrary to IC3 (3). See consideration in 'Design'.

## **Points of Objection**

*Proximity of proposed extension to a habitable room window on the side elevation of No.32 Deer Park Road. The window of concern is the primary source of light into the living room of No.32.*

Considered above.

*Loss of outlook leading to reduced quality of life for occupants of No.32.*

Considered above.

*Window considered the main habitable room window in the living room of No.32 is shaded by conifers growing at No.30, thus reducing light.*

The submitted plans contain a note stating 'Remove conifers and shrubbery to facilitate new works' in respect of planting along the boundary. If approved a condition will be imposed requiring trees to be removed along this border, plus any replacement planting/fencing along the front garden boundary to be no greater than 900mm, and so retained.

*Increased roof area would reduce ability of land to drain.*

This is correct, however the remaining area of permeable land within the curtilage is considerable.

### **Conclusion:**

On balance acceptable subject to conditions including prevention of further openings in the elevation facing north-west, plus that planting/fencing along the boundary with the front garden of No. 32 be no higher than 900mm, and so retained.

### **Recommendation:**

That planning permission be granted subject to the following Conditions:

### **Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the following submitted Drawings:
  - Drawing No. 17486A 02 – existing details, received 20.01.2023
  - Drawing No. 17486A 03D – proposed details, received 30.03.2023
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no door, window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed in the north-east facing elevation of the extension without Planning Permission obtained from the Local Planning Authority.
4. Construction of the extension shall not commence until trees along the boundary of Nos. 30 and 32 Deer Park Road have been removed in accordance with details shown on Drawing No. 17486A 03D. No plants or other boundary features in excess of 900mm in height shall exist along the boundary between the front gardens of Nos. 30 and 32 Deer Park Road thereafter.
5. The extension shall not be occupied until a charging point for electric vehicles is included within the development. This shall be fitted in line with DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings,

which states charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles, and shall be retained thereafter.

6. The extension shall be faced and roofed in materials to match those used in the host property, as shown on Drawing No. 17486A 03D.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure continued compliance with the Development Plan.
3. To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.
4. In the interests of the amenity of occupants of No.32 Deer Park Road, and to accord with Policies SP5 and HS5 of the Local Plan.
5. To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions, and to accord with Policy IC3 of the Local Plan.
6. In the interests of visual amenity and to accord with Policies SP5 and HS5 of the Local Plan.

