

Application Recommended for Approval
Coalclough with Deerplay Ward

APP/2008/0466

Full Planning Application
Proposed conservatory to rear of dwelling
2 CARR ROAD BURNLEY

Background:

The application is to erect a conservatory to the rear of the dwelling, in addition to a slight increase in area to the porch on the side of the property.

An objection has been received.



Location of proposed conservatory (partly constructed)

Summary of Reason for Recommendation:

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

Relevant Policies:

Burnley Local Plan Second Review

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

H13 - Extensions and conversion of existing single dwellings

Site History:

None

Consultation Responses:

1 neighbour letter objecting on the following grounds: -

- The siting of the conservatory will obstruct the rights of vehicle and pedestrian access across the rear of no. 2 Carr Road, as described in an underlease dated 6/9/1947 (*this is not a material planning consideration*)
- The proposed plan shows that the conservatory will have to be elevated to form a kitchen extension to the existing kitchen floor level. This will result in the adjacent property of no. 1B Woodleigh being overlooked and will cause an intrusion of privacy on the ground floor sitting room and first floor lounge.
- The proposed development will devalue the property of no. 1B Woodleigh (*this is not a material planning consideration*)

Planning and Environmental Considerations:

The proposal is to erect a conservatory to the rear of the property in addition to a replacement porch.

The proposed conservatory would project 3.39m from the main rear elevation of the property and would have a width of 3.25m. Because the external ground level is lower than the internal floor level towards the rear of the property, the proposed conservatory will be slightly higher and the dwarf wall, which has already been constructed, reflects this. It is unclear as to why the dwarf wall has already been constructed. It may be that the applicant did not initially recognise that planning permission was needed for the proposed conservatory, which is plausible. The proposed conservatory would have a standard hipped roof, measuring 2.7m to the eaves and 3.35m to the ridge.

The existing porch, located to the side of the property is the main entrance into the dwelling and would be extended in length slightly from 2.2m to 3.5m.

The main issues to consider are materials / design, residential amenity and impact, if any, on the streetscene.

The proposed conservatory would comprise a matching brick dwarf wall, which has already been constructed, with a uPVC framework. These materials are common for a domestic conservatory and the use of matching brick for the dwarf wall is appropriate. The basic design of the conservatory is also considered acceptable.

The porch area would be rebuilt in uPVC panelling and extended in length as already mentioned. These materials are considered acceptable and the modestly sized porch, when extended, would not look out of keeping with the property. Its design is also acceptable.

To the northern side of the application site lies Carr Road and beyond that lies the gable of no. 283 Manchester Road and 1 Park Avenue, both of which being end-terrace properties. These properties would remain unaffected by the development, in terms of residential amenity.

There are no properties to the rear (east) of the application site and residential amenity from this angle is therefore not an issue.

No. 1B Woodleigh directly adjoins the application site to its southern side. The occupiers of this neighbouring property have objected to the proposed extension for a number of reasons, some of which cannot be treated as material planning

considerations. They state that the proposed development would devalue their property but unfortunately this is not a material planning consideration and cannot influence the outcome of this planning application.

The occupiers have also provided evidence and sought legal advice in relation to a rights of way which runs from Carr Road, through the rear of 2 Carr Road and then 1B Woodleigh. This is a legal issue that will clearly need to be resolved before the proposed development continues. However, although this issue will affect the building of the conservatory, it cannot be accepted as a material planning consideration and the planning application cannot be refused for this reason.

Finally, the occupiers of this neighbouring property have objected on the grounds that the proposed conservatory would adversely affect the outlook from the rear windows. The neighbouring property has windows at different levels to the application site. There is one set of windows higher than the application site and one set which are set lower than the application site.



Neighbouring windows set at higher level to application site

Neighbouring windows set at lower level to application site

Location of proposed conservatory (partly constructed)

The lower windows look to serve a basement area, although the objectors have stated that these serve one of the sitting rooms. However, the windows, being at a lower level, only look out onto the rear staircase allowing access into this sitting room. These windows already have very limited outlook and the proposed conservatory would not further affect the outlook from these windows to a significant and unacceptable extent that would warrant refusal of consent, these windows being approximately 2m from the side elevation of the conservatory facing this neighbouring property. The windows serving the lounge are set at a higher level than the application site and as such they would not be adversely affected in terms of loss of light, privacy or outlook. The side

elevation of the conservatory can be obscurely glazed to overcome any concerns over loss of privacy and this shall be secured by way of condition.

The proposed conservatory would be visible when passing the site on Carr Road, travelling to and from one of the entrances into Scott Park. However, the conservatory would be in keeping with the property and it would not cause detriment to the streetscene.

Garden space to the front, side and rear would remain. The proposal would not result in an unacceptable loss of private open space.

The proposal is in accordance with the above Local Plan policies and is considered acceptable.

Recommendation: That planning permission be granted subject to the following conditions:

1. The development must be begun within three years of the date of this decision
2. The side elevation of the proposed conservatory facing the rear of no. 1B Woodleigh shall be obscurely glazed. This obscure glazing shall be retained at all times unless prior written consent from the Local Planning Authority is received.

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. In the interests of residential amenity in compliance with policy H13 of the Burnley Local Plan Second Review.

BS
28/07/2008