

**Application Recommended for Approval**

APP/2009/0618

Queensgate Ward

Full Planning Application  
Retention of front porch  
23 PEMBROKE STREET, BURNLEY

**Background:**

This application is the result of an enforcement complaint and an objection has been received

The application is to retain the large porch which has been erected to the front of the property, covering the entire garden area.

**Summary of Reason for Recommendation:**

The development is contrary to the Development Plan, in particular the policies listed below, but there are other material considerations to indicate that planning permission should be granted:

**Relevant Policies:**

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

GP3 – Design & Quality

H13 – Extensions and conversions of existing single dwellings

**Site History:**

CMP/2009/00023 – Erection of front porch.

12/91/0541 – Erection of extension to rear of dwelling (c/c)

12/91/0089 – Extension to rear of dwelling to form kitchen & bathroom on ground floor & extra bedroom first floor (refused)

**Consultation Responses:**

Highways (Lancashire County Council) Burnley - Has no objections to the proposal.

Resident (21 Pembroke Street) –Strongly objects to the retrospective application and raises several concerns:

- Size & height of the structure blocks all natural light from the property.
- Structure blocks out the street light.
- Unable to see front door lock due to lack of light.
- Health & safety issue, as the structure creates a blind spot to the right hand side exiting the property up to the footpath
- “Due to the size/height of the said structure, the view from our front door or our front room window to the right hand side is nil”
- Rain water would run down the side of the structure into the garden and leave a pool of water. Damp may also occur to the property.
- The structure is an eye sore, far too large, totally out of character, not in keeping with the areas design & material.

## **Planning and Environmental Considerations:**

The application site is within the urban boundary where development is expected to be located in line with **Policy GP1**

### **Policy H13**

Policy H13 states that proposals to extend existing dwellings will be permitted where it meets the following criteria:

**(a) The proposal is in keeping with the existing house and the surrounding buildings with regard to scale, size, design and materials;**

The porch measures 2.2m to the eaves and 3.05m to the ridge, it has a width of 4.3m and projects 1.3m from the main elevation of the property. The material comprises of white UPVC framework and a polycarbonate roof.

The area is characterised by stone-built terraced dwellings, with small garden forecourts.

Although the above materials are sometimes used for small additions to dwellings, e.g. conservatories, this is mainly to the rear where they are not highly visible. In this instance the building is extremely prominent in the streetscene and the materials are not in keeping with the character of the area and not appropriate

The size and design of the porch are out of scale and appearance with the traditional terraced street. In comparison to a standard porch this one is overly large, taking up the whole of the garden forecourt, and the design is out of keeping with the front of this terraced row, which is free from additions to the front.

**(b) The proposal will not adversely affect – the residential amenity of neighbouring properties through overlooking, lack of privacy, or reduction of outlook or daylight;**

Adjacent to the application site is no.21 Pembroke Street. The porch projects up to the footpath from the main elevation of the property and the side elevation facing the neighbours garden, has solid upvc panels. Although it will not have a significant impact on light to and outlook from the main window of the neighbour's property, there will be some loss of outlook to the south-east, towards Bracewell Street and some loss of light from the street lamp.

**(c) The proposal provides an adequate residential amenity for its occupants;**

The extension is intended to store equipment required by the applicant's disabled son. Although it provides additional storage area, it is likely that the porch has led to a loss of residential amenity to the occupants through loss of natural daylight to the front of the property. However, this is largely a matter for the applicant and would not justify refusal of the application.

**(d) the proposal does not lead to an unacceptable loss of private open space or parking space;**

No parking space is affected and the private open space area is only small.

**(e) The proposal does not threaten highway safety through the obstruction of visibility for pedestrians and road users;**

There is no impact on road users and therefore no objection from the Highway Authority.

However, the neighbour has no view to the right hand side when exiting the property until reaching the footpath (1.2m distance). This does present some danger to users of the footpath as the neighbour would be unable to see pedestrians until actually on the footpath and this would be particularly dangerous when pushing a pushchair or wheelchair.



In dealing with the enforcement complaint, other alternatives were suggested to the applicant which might be acceptable. Suggestions included the possibility of reducing the size of the porch and using appropriate materials, and creating a storage area to the rear. However, the application as submitted is to retain the porch in its present form.

### **Site Meeting - 17/12/09**

The case officer has met the applicant on site, to identify if any other alternatives were available to house the equipment for the disabled person and possibly remove/reduce the 'porch'. The internal ground floor layout of the property was inspected, which was clearly obvious there was not adequate room to house the equipment (*electric wheel chair, 2 other pieces of equipment*) and comply with health and safety at the same time. It would cause obstruction to the residents living there and the two carers who are there on a regular basis.

The back yard area was another option to store the equipment, but with it being a very small yard area and ground level being lower, it would be difficult to enter the property easily for a disabled person. The waste bin and recycling containers are stored in the yard area and cannot be stored in any other location. Thus this option is not feasible or practical.

Reducing the size of the porch was another suggestion, however for many reasons this was not appropriate. The width of the porch cannot be reduced as the sliding door is too large to open with in the garden area space, it would overhang on the pavement and the front window would obstruct the fixing of the door, causing unnecessary alterations to the property. The height of the porch is unable to be reduced as it sits directly over the window, which is the lowest point it can be. The equipment is stored behind one another, as there is not sufficient enough room to store side by side, taking up most of the space up to the door. A ramp is positioned to the front of the door and the remaining space available would not allow any movement.

**Conclusion:**

In conclusion, although the porch is contrary to policy and would not normally be approved, in exceptional circumstances the personal circumstances of the occupier can be a material consideration. Government advice is that they will seldom outweigh the more general planning considerations and this porch is out of place in the streetscene and constructed of materials that are clearly out of keeping with surrounding properties.

This is an extremely sensitive case and one which requires a careful balance between the needs of the applicant's disabled son, and the rights of the adjacent property owner. It is not normally the function of the planning system to consider the need for this type of development. However, in these circumstances it seems appropriate to make permission for the porch conditional on the needs of the applicant's disabled son.

**Recommendation:** That planning permission be granted subject to the following condition:

The porch hereby permitted shall be removed within three months of **William Alexander Davies** ceasing to reside at the property.

**Reason:**

The porch is contrary to Policy H13 in terms of design and materials, it is only approved due to the personal circumstances of the applicant and his family.

AA  
17/12/09