

**REPORT OF THE DIRECTOR**

**Plan No: 10/17/0829**

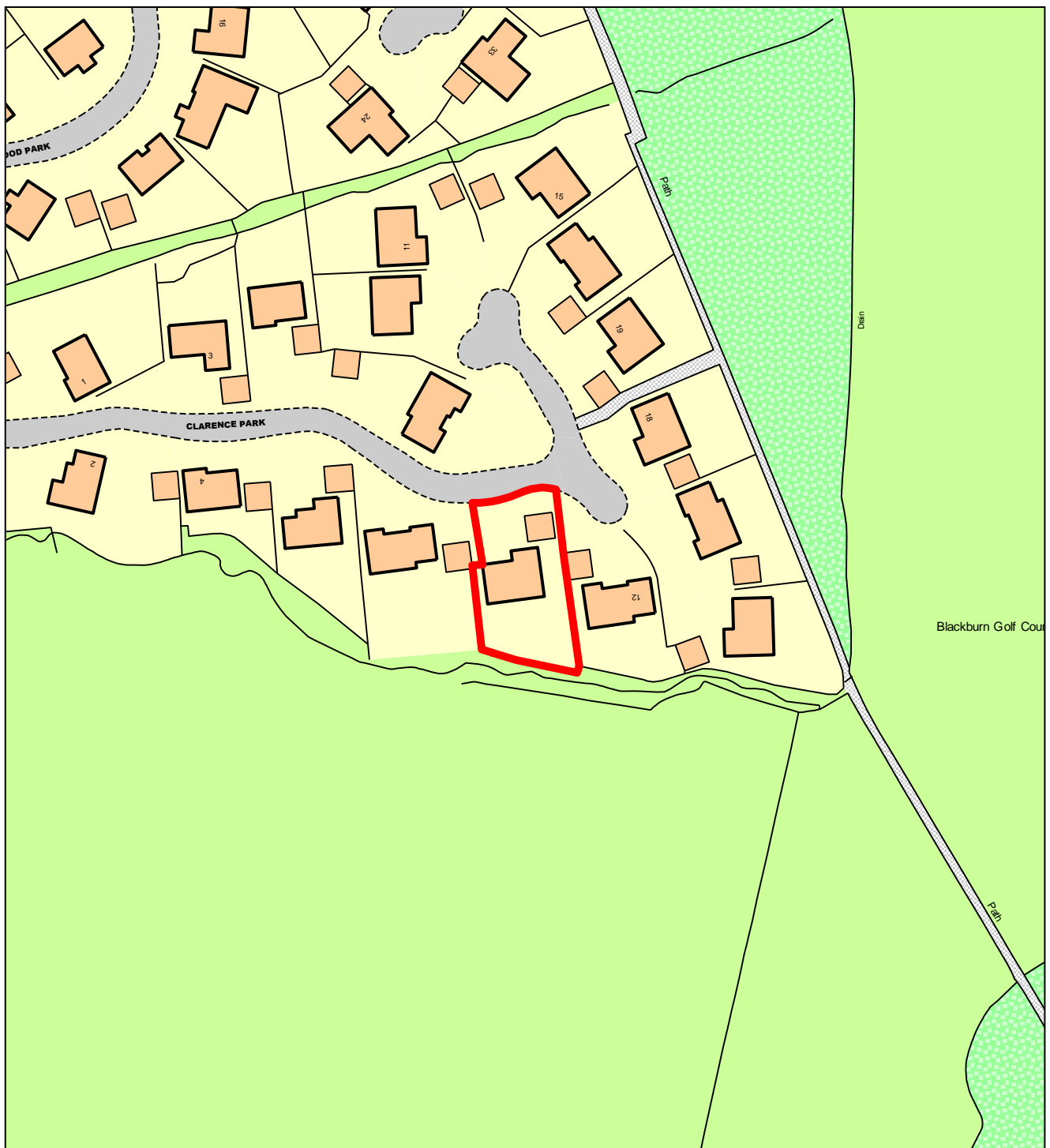
**Proposed development: Full Planning Application for Proposed retrospective application to previously approved Planning Application (10/15/1539), amendments to balcony and fenestrations**

**Site address: 10 Clarence Park, Blackburn, BB2 7FA**

**Applicant: Mr Sajeed Patel**

**Ward: Beardwood With Lammack**

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| <b>Councillor Michael Lee</b> |  |
| <b>Councillor Julie Daley</b> |  |
| <b>Councillor Imtiaz Ali</b>  |  |



## **1.0 SUMMARY OF RECOMMENDATION**

1.1 The proposed development is recommended to be granted planning permission for the reason as follows:

- The proposal is of appropriate design and appearance and would not be detrimental to the residential amenity for occupiers of the dwelling or neighbouring dwellings in accordance with Policies 8 and 11 of the Blackburn with Darwen Local Plan Part 2 (December 2015) and residential Design Guide Supplementary Planning Document (as amended September 2012).

1.2 It is recommended that the application be approved subject to the following conditions:

- Materials to match the materials used in the existing dwelling
- Submission of a sample of the obscure glazing and approved glazing implemented within 1 month from the date of decision.

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1 The application is before the committee at the request of the chair, following the receipt of 2 objections and ward member involvement. A summary of the objections is provided at 6.1 below.

The key issues to be addressed are as follows:

- Design; and
- Securing neighbouring residential amenity.

The previously refused scheme proposed a two storey extension, with an open aspect to the first floor balcony area. The development included an alternate roof design to that which was approved in December 2015 (Application Reference: 10/15/1539). The amendment included a roof overhang and installation of large clear glazed vertical emphasis windows situated to the first floor opposing the garden areas of nos. 8 and 12 Clarence Park. The proposal was considered to be unacceptable due to the significant impact on privacy loss to No. 8 Clarence Park and poor relationship of the roof overhang with the original dwelling. The current scheme proposes amendments to mitigate against the reasons for refusal.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site relates to a detached dwelling, positioned on the south side of Clarence Park. The property is constructed with red brick, featuring an original two storey rendered gable frontage. The property also comprises a large paved driveway to the front and detached garage which has been converted to living accommodation. The property has been previously extended by way of a rear

conservatory (seemingly Permitted Development), rear balcony (Application reference: 10/13/1103) and a first floor side extension (Application Reference: 10/13/0858). In September 2015, the applicant applied for demolition of existing conservatory and erection of sun room with roof terrace. The agent was advised the proposal would not be supported due the significant impact of loss of privacy to the neighbouring property (No.8). Therefore, this application was withdrawn.

3.1.2 Following the receipt of several amended drawings, planning permission was granted in March 2016 for 'Demolition of existing conservatory and erection of replacement sun room, first floor extension with covered terrace' (Application Reference: 10/15/1539).

3.1.3 The unit is served by a detached garage forward of the main house, which screens off views of the side garden area. Similarly a detached garage, belonging to the neighbouring property, no. 12, also screens views of the side from the head of the cul-de-sac.

3.1.4 Retrospective consent was sought for the 'Demolition of existing conservatory and erection of double storey rear extension with first floor balcony'(Application Reference: 10/17/0049), and was subsequently refused consent for the following reasons:

*The proposal fails to harmonise with the host dwelling, by virtue of its roof construction, resulting in a 1.7 metre overhang, thereby introducing an incongruous feature to the dwellinghouse contrary to Policy 11 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).*

*The proposal by virtue of its design would have a detrimental impact on the amenity of neighbouring dwellings by virtue of overlooking and loss of privacy, contrary to Policy 8 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).*

## **3.2 Proposed Development**

3.2.1 The proposal is for amendments to the approved scheme (10/15/1539, see paragraph 5.1) for installation of vertical emphasis clear glazed panels to the side elevation facing No. 12 Clarence Park and obscure vertical panels to the side wall opposing the garden area of No.8 together with the installation of privacy screen to the side elevation of the open balcony area facing No. 8 Clarence Park.

## **3.3 Development Plan**

### **3.3.1 Blackburn with Darwen Borough Local Plan Part 2:**

Policy 11: "Design"

Policy 8: "Development and People"

Policy 10: "Accessibility and Transport"

3.3.2 Residential Design Guide (Revised Sept 2012):

RES E9: "Two Storey Side Extensions"

RES E19: "Extensions and Parking"

RES E10: "The Terracing Effect"

**3.4 Other Material Planning Considerations**

3.4.1 National Planning Policy Framework (NPPF):

Section 7: "Requiring Good Design"

**3.5 Assessment**

3.5.1 Design: Policy 11 requires the design, materials and shape of the proposed extension to complement local character. Policy 11 of Local Plan Part 2 amongst other criteria requires that the size, design and external appearance of extensions should harmonise with the existing building and should not unacceptably affect the character of the street. The proposal is considered to satisfy these requirements.

3.5.2 The retrospective development introduces glazed panels serving secondary windows to both the ground floor sun room and first floor bedrooms. The proposed roof would project 8.5m beyond the original, with the resultant roof form creating an overhang above the terraced area, projecting 1.7m beyond the bedroom extension. The vertical emphasis of the windows would break up the scale and mass of the largely brick detail. The introduction of an overhang would become less prominent from the side elevation and the overall scheme is considered to enhance the design characteristics by utilising materials to match the main dwelling and reducing the amount of blank detailing to the side facing walls. On balance, the proposal is considered to satisfy policy requirements set out in Local Plan Part 2 Policy 11.

3.5.3 Amenity: Policy 8, amongst other criteria supports the extension of dwellings which have no unacceptable impact on the amenity of adjacent properties through overlooking, overshadowing or dominance. The proposal would be constructed to the rear of the building, the larger part of the ground floor replaces the original conservatory. Therefore, this part of the development poses no undue concern.

3.5.4 Objections have been received from neighbouring properties at both sides, nos 8 and 12 Clarence Park. The objections relate to potential overlooking and loss of privacy to their garden areas.

- 3.5.6 No. 12 is sited east of the application site. The build line along the street is staggered, as such the above neighbouring dwelling is set back from the application plot with the front elevation sitting in line with the original rear wall of the application property. Due to the topography of the site, No. 12 is sited at a higher level. Consideration is given to the fact that No. 12 is set a distance away from the proposed development. Furthermore, the windows would oppose the side garden area which is not intensely utilised; as such the impact posed from the introduction of large glazed panels would not be of significant concern to this neighbouring dwelling.
- 3.5.7 No. 8 sits at a lower level than the application dwelling. The proposal would be constructed within close proximity to the boundary of this neighbouring dwelling. Concerns have been raised in relation to privacy loss and direct overlooking to the garden area of this property. The applicant proposes to obscure the first floor windows opposing the garden area of No. 8. At the time of the site visit these windows were obscured by frosted glass. During the visit, the planning officer assessed the amenity impact within the garden area of No.8, in the presence of the neighbouring resident; concluding there would be minimal impact. The current scheme proposes to construct a privacy screen to the side elevation of the existing open balcony opposing the garden area of No.8, the screen would utilise the same level as obscurity as with the existing obscured panels. A condition would be imposed to provide samples of the glazing prior to construction. The condition would also impose for the applicant to install the glazing within 1 month of the permission. The amended scheme with the inclusion of a privacy screen is considered to reduce the amenity impact to No. 8. As such the revised proposal is considered to satisfy policy requirements set out in Local Plan Part 2 Policy 8.
- 3.5.8 **Other:** Neighbouring dwellings at either side of the application dwelling raise issues to the applicant not adhering to the previously approved drawings (Application Reference: 10/15/1539). As stated above, planning permission was granted in March 2016, for demolition of existing conservatory and erection of replacement sun room, first floor extension with covered terrace (ref: 10/15/1539, see paragraph 5.1). Works commenced and it was brought to the Council's attention that what was being constructed was not in accordance with the approved drawings under application 10/15/1539. Following investigation by the Planning Enforcement Officer, a subsequent planning application was submitted to regularise the development under application 10/17/0049, for demolition of existing conservatory and erection of double storey rear extension with first floor balcony. This application was refused planning permission on the 20th March 2017 (see paragraph 5.1). The current scheme proposes mitigation measures to alleviate against the amenity impact with the affected property.
- 3.5.9 In summary it is considered that the proposed scheme would provide adequate measures to mitigate against the reasons for refusing the

previous scheme (Application Reference: 10/17/0049, see paragraph 5.1). The introduction of a privacy screen with acceptable levels of obscurity, together with the obscured glazing to the first floor windows would overcome the overlooking issues to No, 8 Clarence Park. As stated in paragraph 3.5.6, the separation distances between the proposal and No. 12 Clarence Park would conclude the amenity impact to be of insignificant concern to this neighbour. In relation to design, the introduction of glazing is considered to reduce the prominent impact of the roof overhang. Overall, the appearance is considered to satisfy policy requirements.

#### **4.0 RECOMMENDATION**

4.1 Approve

#### **5.0 PLANNING HISTORY**

5.1 **10/17/0049** - Demolition of existing conservatory and erection of double storey rear extension with first floor balcony – Refused 20<sup>th</sup> March 2017 for the following reasons:

- 1. The proposal fails to harmonise with the host dwelling, by virtue of its roof construction, resulting in a 1.7 metre overhang, thereby introducing an incongruous feature to the dwellinghouse contrary to Policy 11 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).*
- 2. The proposal by virtue of its design would have a detrimental impact on the amenity of neighbouring dwellings by virtue of overlooking and loss of privacy, contrary to Policy 8 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).*

**10/15/1539** - Demolition of existing conservatory and erection of replacement sun room, first floor extension with covered terrace – Approved 15<sup>th</sup> March 2017.

**10/13/0858** - Proposed first floor extension to side of dwelling – Approved December 2013

**10/11/1103** – Erection of rear balcony – Approved 7<sup>th</sup> December 2017

#### **6.0 CONSULTATIONS**

6.1 Two neighbours were consulted. Two letters of objection have been received. The objections can be summarised as follows:

- Excessive scale of development
- Loss of privacy to garden area of No. 8 and No. 12 Clarence Park

- Applicant not adhering to previously approved scheme

**7.0 CONTACT OFFICER: Nazia Ali Rizvi ,Planner**

**8.0 DATE PREPARED: 8<sup>th</sup> September 2017**

## 9.0 SUMMARY OF REPRESENTATIONS

### Objection John Cripps, 8 Clarence Park, Blackburn

10/17/0829.

AS YOU KNOW THE PLANS NO 10/15/1539 WERE PASSED AND WE HAD NO PROBLEMS WITH THEM.

BUT NO 10. DID NOT BUILD THE PLANS. THEY BUILT SOMETHING ELSE.

WE HAVE A PROBLEM WITH LARGE WINDOWS AND OPEN BALCONY. WHEN WE FIRST MENTIONED THE WINDOWS TO MR PATEL HE SAID DONT WORRY THEY HAVE BLINDS IN THE TO OBSCURE THE VIEW. I DO HOPE HE DOESNT

THINK I AM THAT THICK. THEY HAVE SINCE PUT OBSCURE GLASS IN. BUT HAVE RESISTED AT EVERY OPPURTUNITY TO COMPLY WITH PLANNING.

ON THE NEW PLANS 10/17/0829. THE WINDOWS. HAVE A MEMO. (OBSCURE WINDOW) THIS AGAIN IS AN ATTEMPT TO IGNORE (OBSCURE GLASS) THEY JUST HOPE ITS NOT PICKED UP ON.

MR. PATEL HAS CALLED THE POLICE WHEN HE WAS STOOD OVERLOOKING OUR GARDEN AND WE OBJECTED TO HIM DOING SO AND HE'S THREATENED TO MOVE A WALL AT THE FRONT OF OUR PROPERTY (DRIVE) BECAUSE WE HAVE COMPLAINED. TO THE COUNCIL ABOUT THE

EXTENSION. LOVELY MAN  
GREAT NEIGHBOUR !!!

THE ROOF LINE ON THE PLANS. ANY OF THEM ARE NOT WHAT THEY HAVE BUILT AT ALL. BUT THEY NEVER INTENDED IT TO BE. BECAUSE THEY HAVE SOLAR PANELS ON THE ROOF AND 2 ATTIC ROOMS.

NO 12 ARE NOT HAPPY AT ALL WITH THE EXTENSION.

THE WHOLE THING IS WRONG PLANS SURELY ARE TO BE FOLLOWED NOT CHANGED COMPLETELY AND THEN NOTHING IS DONE ABOUT IT. ALLS SEEM TOO CONVENIENT TO ME.  
WHO YOU KNOW NOT WHAT YOU KNOW



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Objection Rec: 29.09.17, Stephen & Susan Gunn, 12 Clarence Park

Dear Mr Prescott

Further to your letter dated 24th January 2017 I write to oppose the above application on the following grounds.

1. The extension that has been built is much larger than that agreed in the original application. This is obvious as the original left side elevation plan only had 2 windows on both ground and first floor. The actual left side elevation that has been built has 3 windows on both levels. This is a significant increase in depth compared with original plan probably amounting to being over a metre larger.
  2. The windows on the first floor that directly overlook our garden are 3 full length clear windows. The original plan was for 2 partial height windows with frosted glass. The 2 partial height frosted windows at least maintained some privacy for us. The current window configuration allows an occupant of this first floor room to lie in or on their bed and look directly at our back garden and backdoor and through our study window. (And that is exactly what is happening as I write.) This is a blatant invasion of our privacy not approved in the original plan.
  3. Having increased the depth of the extension as outlined above there is now a first floor balcony extending further out from the rear of the property which because of the increased building size now overlooks the vast majority of our back garden again resulting in further loss of privacy.
- I would be grateful you would arrange to review this extension from our property us so that you can see for yourself how the actual building and the plan are very significantly different. Susan can be contacted on 07576666110
- We trust that this application will be rejected and remedial action enforced, otherwise the planning process in Blackburn with Darwen will have been made a mockery of.

Stephen and Susan Gunn

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Objection Rec: 17.07.17, Stephen Gunn, 12 Clarence Park, Blackburn

Dear Mr Prescott

I write in response to your letter dated 11th July in response the latest retrospective planning application by our neighbour

Mr Sajeed Patel for 10 Clarence Park Blackburn.

As you are aware we opposed the original retrospective application (10/17/0049) in January on the grounds that what had been built

was very much bigger than the original planning permission and resulted in a huge loss of our privacy. I will forward our email of 29th

January outlining our objections.

You will also know that the application was refused and passed to the Enforcement officer - again I will forward the email from our councillor

Julie Daley outlining the reasons for the refusal but the decision agreed with our objections.

I wish to oppose the current application (10/17/0829) as I have reviewed the proposed plans and they do not appear to have

changed in any significant way from the extension that has been illegally built and is still a much bigger building than was originally given planning

permission for resulting in our loss of privacy.

I trust that the decision to refuse application (10/17/0049) is upheld and for the current application (10/17/0829) and when sent to Enforcement this

time the appropriate enforcement is applied.

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