

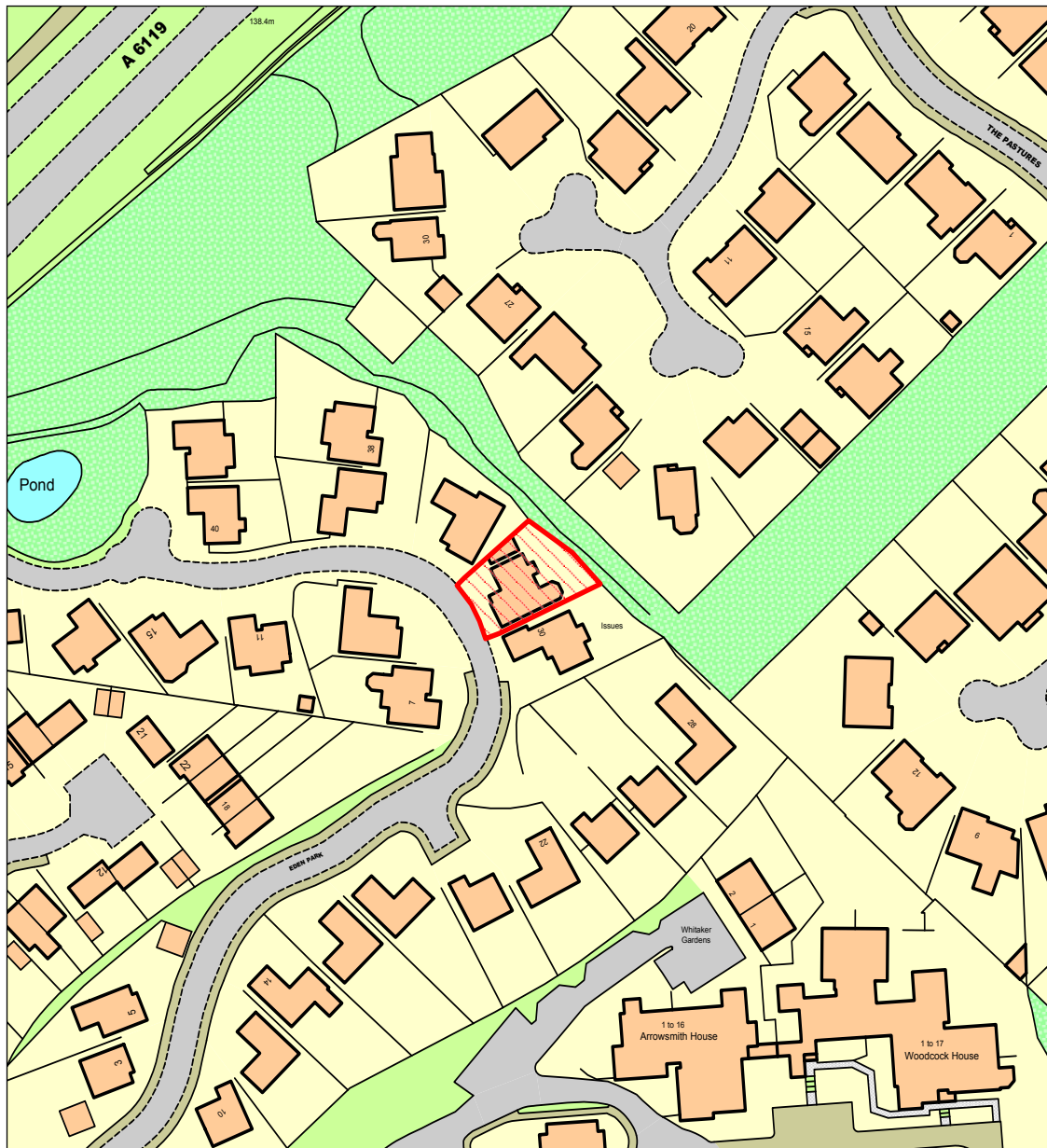
Proposed development: Full Planning Application for Proposed Balcony to first floor rear bedroom window

**Site address:
32 Eden Park
Blackburn
BB2 7HJ**

Applicant: Mr A Hussain

Ward: Billinge & Beardwood

**Councillor Tasleem Fazal
Councillor Julie Daley
Councillor Jackie Floyd**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is **recommended to be refused** planning permission for the reasons as stated in Paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Committee through the Chair Referral process in accordance with the Scheme of Delegation. The proposed development has been publicised through letters to residents of adjoining properties. Two letters of objection and one letter of support have been received. A summary of the comments is provided at Paragraph 6.1 below.
- 2.2 The key issues to be addressed are as follows:
- The impact of the balcony on the amenity of neighbouring properties
 - The design of the balcony

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The site of the proposed development is located in a cul-de-sac on land between Preston New Road and Yew Tree Drive, within the urban boundary of Blackburn.
- 3.1.2 Eden Park is characterised by detached dwellings with front and rear gardens. Nos. 30, 32 and 34 form a grouping of three dwellings, with the application site being centrally positioned and the neighbouring dwelling either side splaying away slightly towards the rear.
- 3.1.3 The properties to the rear are located on The Pastures, within the Beardwood development. Eden Park and The Pastures are separated by narrow watercourse and a band of deciduous trees.

3.2 Proposed Development

- 3.2.1 The proposal is for a householder planning permission for a balcony to the rear of the property.
- 3.2.2 The balcony would stand approximately 2.6 metres above ground level supported by pillars and would be accessed from a first floor bedroom via French windows. Glazed screening is proposed for the sides and front of the balcony to an additional height of 1.1 metre. The projection is approximately 2.3 metres and the width approximately 3.2 metres.

3.3 Development Plan

3.3.1 Blackburn with Darwen Borough Local Plan Part 2 – Site Allocations and Development Management Policies (December 2015)

Policy 8: Development and People

Policy 11: Design

3.3.2 Residential Design Guide Supplementary Planning Document Revised Edition (September 2012)

RES E20: Balconies, Terraces and Raised Platforms

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF) (July 2018):

Section 12: Achieving Well-Designed Places

3.5 Assessment

There are two issues for Members to consider relating to the proposed development. These are:

- Local Plan policy relating to development and its setting
- Local and National policy relating to design

3.5.1 Local Plan Policy and Setting. Local Plan Part 2 Policy 11 requires development to “demonstrate an understanding of the wider context”, part of which relates to how development relates to neighbouring uses. This is developed in Policy 8 which states that development will be permitted where it can be demonstrated that it will contribute positively to the overall physical and social character of the area in which it is set. A satisfactory level of amenity is to be secured for surrounding uses, which in this instance is the residential use of neighbouring properties.

3.5.2 The Residential Design Guide SPD explores in detail how these policies are worked out in the context of various household developments. In relation to balconies, the Guide states that balconies are often problematic and in most suburban areas will lead to an unacceptable level of overlooking on neighbouring properties. RES E20 states that balconies will only be permitted where the case is otherwise.

3.5.3 The relationship between the proposed balcony and its neighbours differs with each of the four adjoining properties.

3.5.4 No. 21 The Pastures is built at an oblique angle to the application site with the closest point of the building to the balcony being about 27.2 metres. Since an elevation to elevation relationship is required to have a minimum of 21 metres separation distance this would in theory be an acceptable measurement.

However, the use of the balcony and the neighbouring garden for outdoor activities would reduce this separation to about 11 metres; and gaps in the tree cover between the application site and the garden of No. 21 may compromise the sense of privacy. Additionally, the boundary fence that would give some acoustic screening would not adequately deal with disturbance from the balcony.

- 3.5.5 Balcony to building: No. 23 The Pastures is closer than No. 21 – about 19.8 metres (balcony to garden about 15 metres). The tree cover between the two properties is somewhat thicker in the high summer, though more open at other times of the years, the trees being deciduous. The conservatory is the closest point of the building, though the ceiling is of obscured material.



Above: Views from 21 The Pastures (left) and 23 The Pastures (right) towards the application site

- 3.5.6 The implications for No. 30 Eden Park are considered more immediate. The balcony would project from the rear elevation at a distance from the neighbouring garden of about 11.5 metres. Whilst there are no direct views into any windows, the privacy of the garden is considered to be compromised to the detriment of amenity through uninterrupted views over the application site conservatory into the adjoining garden area.

Below: View towards 30 Eden Park (left) from the rear first floor window at No.32,



- 3.5.7 No. 34 Eden Park has a conservatory close to the boundary with the application site. It was initially reported that this conservatory had a false

ceiling that would block views from the proposed balcony. However, the property has since been visited, and it can be confirmed both that there is no false ceiling and that the roof is of clear glass providing a view up towards the position of the proposed balcony. From the visit it was observed that the conservatory functions as a habitable room. It is considered that the proposed balcony will have some detrimental impact on this conservatory. There is some minimal garden space between this conservatory and the boundary with the application site. However, it is considered unlikely that this space would function in such a way as to be unduly harmed by the balcony.

Below: view from the conservatory ceiling at No. 34 towards the application site(right)



3.5.8 Mention has been made in support of this application of the approval of a rear balcony at No. 9 The Hedgerow. It is noted that the relationship that No. 9 had with other dwellings in the setting was quite different, with overlooking not considered to be unduly harmful to residential amenity. It is therefore considered that the proposed balcony, the subject of the current application, fails to secure neighbour amenity, contrary to Policy 8 of the Local Plan Part 2 and the Residential Design Guide SPD.

3.5.9 *Policy and Design.* National Planning Policy Framework (NPPF) requires development to add to the overall quality of the area and that it should be visually attractive as a result of good architecture (Paragraph 127a and b). Local Plan 2 requires development to make a positive contribution to the local area and enhance the character of the building.

3.5.10 One of the features of the rear elevation is a bay window comprised of a hipped roof. The proposed balcony would replace this roof, extending beyond and out from the sides of the bay. Pillars would be utilised to support the balcony.

3.5.11 The bay window contributes something of a feature to the rear elevation and the extending out of the balcony over it together along with the proposed supporting structure is not considered to relate well to it. Mention has been made of No. 9 The Hedgerow in support of the application. The balcony proposed for that property had no impact on features in the rear elevation and required no pillars in its construction, and so had a more acceptable integration into the host property. Members are also advised that each proposal is determined on its own merits.

3.5.12 It is considered, therefore, that the design fails to enhance the appearance of the property and the balcony would be a dominant feature against the existing bay window.

4.0 RECOMMENDATION

4.1 The proposed development is **recommended to be refused** planning permission for the following reasons:

- The proposed development, by virtue of its scale and position in relation to the adjacent neighbouring dwellings, has failed to adequately address the connection between the development and its setting, causing harm to neighbour amenity through overlooking and loss of privacy, contrary to Policy 8 of the Local Plan Part 2 and the Residential Design Guide Supplementary Planning Document.
- The proposed development fails to meet the criteria set out in the NPPF and the Local Plan Part 2 in undermining the overall quality of the host dwelling and the area by virtue of a structure that fails to integrate acceptably into the host dwelling, contrary to the NPPF and Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

5.1 10/16/1329: Conversion of garage to habitable room and erection of front porch. Approved under delegated powers 20th January 2017.

5.2 10/02/0756: Proposed rear conservatory. Approved under delegated powers 27th November 2002.

6.0 CONSULTATIONS

6.1 5 neighbouring properties were consulted. 2 letters of objection and a supporting statement has been received by Nigel Nuttall on behalf of the applicant. Section 9 includes the full details of the objections and supporting statement.

6.2 The objections can be summarised as follows:

- The proposed balcony will directly overlook properties leading to loss of privacy.
- Distance from boundary and elevation that allows for direct overlooking.
- Views outside of summer not restricted by trees.

7.0 CONTACT OFFICER: John Wilson, Planner. 01254 585142.

8.0 DATE PREPARED: 1st August 2019

9.0 SUMMARY OF REPRESENTATIONS

Obj – Stephen and Andrea Hughes – 23 The Pastures, Blackburn – Rec 16.7.19

Dear Mr Wilson,

Objection to 10/19/0634

We are writing to object to the above mentioned Planning Application re 32 Eden Park, Blackburn, BB2 7HJ.

Whilst this property does not directly overlook our property, from the proposed first floor balcony people will be able to look into our back garden. There are various trees between the properties and when these are full of leaves they would provide appropriate privacy but during half the year, when the trees are bare, this is not the case. It will certainly be vital that these trees are not cut back in any way.

This potential loss of privacy is the basis of our objection. I believe Mr & Mrs Kirkpatrick who will be severely affected by the proposal have invited you to visit their property to verify the concerns that we share.

Obj – Anne and Dave Kilpatrick – 21 The Pastures, Blackburn – 5.7.19

Dear Mr Wilson,

We live adjacent to the proposed development and are writing to ask that Blackburn with Darwen Borough Council refuse this planning application from Mr A Hussain.

The proposed balcony will directly overlook our property; this will lead to a loss of privacy and will certainly impact on the peaceful enjoyment of our home and garden. The balcony will be less than seven metres from their boundary and at an elevation which will mean that they will have no other view than directly onto our property.

We invite you to visit our home to verify that these objections are valid.

Should you require any additional information, clarification of any comments made, or would like to arrange a visit to our home, do not hesitate to contact us.

Support on behalf of Applicant – Rec 25.7.19

I have checked some of the distances to the properties behind and they vary from 25 to 38 metres from the proposed balcony. It is not dissimilar to 9 The Hedgerow in principle. There is also some trees between the duellings which again detracts from overlooking the dwellings behind.

Regards

Nigel
