



Appeal Decision

Site visit made on 1 April 2021

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/T2350/W/21/3266745

29 & 30 Blackburn Road, Ribchester PR3 3ZP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Miss Collins & Dr Barrett against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2020/0859, dated 28 October 2020, was approved on 16 December 2020 and planning permission was granted subject to conditions.
 - The development permitted is a rear single storey extension.
 - The condition in dispute is No. 4 which states that:
This permission shall relate to the development as one entity and the extension shall be completed in accordance with the plan before any part of it is occupied for residential purposes.
 - The reason given for the condition is:
In the interests of residential amenity.
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Decision

1. The appeal is allowed and the planning permission Ref No: 3/2020/0859 for a rear single storey extension at 29 & 30 Blackburn Road, Ribchester PR3 3ZP granted on 16 December 2020 by Ribble Valley Borough Council, is varied by deleting condition 4 and substituting for it the following condition:

Condition No.4

This permission shall relate to the development as one entity and all external walls and roofing of the extensions shall be completed in accordance with the plan before any part of it is occupied for residential purposes.

Background and Main Issue

2. The appeal properties are adjoining mid-terraced dwellings. Each has a two storey outrigger, to which a further range of single storey outbuildings extend rearwards to the lane at the rear of the terrace. The symmetrical layout of these outriggers creates two narrow adjoining rear yard areas split by a brick wall of varying height along their length.
3. The approved scheme would create a single-storey lean-to roofed extension in the recessed area between the two-storey outriggers. Although the fenestration details would differ slightly between the two, the overall heights, depths and widths of the structure would be the same across the two properties.
4. The disputed condition seeks to ensure that the approved extension is built and completed on both properties 'as one' so as that neither property's part of the extension is occupied before the other is completed. This approach was, the Council explain, necessary to avoid the construction of an extension at only one

or other of the properties, with the consequential impacts upon living conditions arising from the narrowing of the gap between outrigger and extension that led to a previous refusal of a similar scheme at the rear of No. 30¹.

5. Thus, the main issue is whether the disputed condition is necessary and reasonable having regard to the living conditions of occupiers of Nos. 29 and 30, and particularly in terms of outlook and daylight / sunlight.

Reasons

6. The respective yard areas at the rear of each of the appeal properties are relatively narrow, confined between the two-storey outrigger on one side and a brick wall on the other. The brick wall varies in height along its length, reducing in height towards the far end of the yard and the rear lane. Adjacent to the rear of the house, the wall is at its highest.
7. If constructed separately, each half of the extension would be significantly taller than the existing brick wall that runs between the two properties. Whilst only single storey in height, the extension's lean-to roof design and overall projection would be such that, if only built at one or other of the properties, the resulting flank elevation would be a substantial intrusion upon the outlook from the rear of the un-extended property.
8. The rear facing aspects of the properties are broadly south facing. Although light levels are generally good the two-storey outriggers on either side will impinge upon morning and later afternoon sunlight. Should only one half of the extension be built, the aspect from the other property would be significantly reduced in width with an increased loss of sunlight and daylight to the ground floor rear window of that property as a result.
9. Although I have not been provided with any details of the proposal, I am advised that the appeal proposal follows an earlier, refused, application¹ for a single storey extension at No. 30. The disputed condition, the Council argues, would tackle a specific issue, would render a previously refused application acceptable and would uphold the reasoning behind a previous decision.
10. However, whilst the application was submitted 'as one' as a joint proposal, and there would no doubt be logistical benefits to carrying out the construction works as a single undertaking, the disputed condition goes further than is necessary to achieve the Council's aims and, in my opinion, unreasonably so. In seeking to ensure that one property's part shall not be occupied until the whole extension has been completed in accordance with the plans, it fails to take into account the circumstances of the respective appellants.
11. Whilst it was not unreasonable for the Council to assume that the appellants might have given some thought to the timings and financial practicalities of constructing the extension 'as one', to take the Council's approach nevertheless fails to acknowledge that individual circumstances of the appellants are not bound to align, or keep pace, with each other. And, in my judgement, that would be especially likely in terms of the fitting out of the extension once its shell – the external walls and roofs – have been completed and where individual tastes are more likely to come to the fore and influence the timing of completion. Thus, even if built 'as one', delays for one party in completing the

¹ LPA Ref No: 3/2015/0043

scheme and fitting it out internally would conceivably prevent the other party from occupying an otherwise completed extension.

12. Thus, taking the 6 tests of conditions set out in the Framework, I conclude that the disputed condition as worded is not reasonable in all other respects. However, the general aim and intention underpinning it is such that, in a reworded form, it would satisfy those aims and intentions whilst also satisfying the provisions of the Framework's tests of conditions. I therefore vary the condition in the manner suggested by the Council which would ensure that the external shell of the extension, the external walls and roof, should be completed before any part of the extension is occupied for residential purposes. Together with the leeway provided by the time limit condition, I am satisfied that the revised wording of the condition would provide sufficient flexibility to account for the appellants' differing circumstances whilst still achieving the aims and intentions the Council initially sought.

Conclusion

13. For the reasons I have set out, I conclude that the appeal should succeed. I shall vary the planning permission by deleting the disputed condition and substituting it for an amended condition No. 4 as indicated in my decision. The existing planning permission is therefore modified accordingly and should be read in conjunction with it.

Graeme Robbie

INSPECTOR

