

<b>TITLE:</b>	<b>PLANNING APPEAL RESULT – 17 AINSDALE DRIVE, WHITWORTH – ERECTION OF PITCHED ROOF AND BALCONY DECK AT FIRST FLOOR</b>
<b>TO/ON:</b>	<b>DEVELOPMENT CONTROL COMMITTEE WEDNESDAY 08 MARCH 2006</b>
<b>BY:</b>	<b>DIANE DUNGWORTH</b>
<b>LEAD MEMBER:</b>	<b>COUNCILLOR CHALLINOR</b>
<b>STATUS:</b>	<b>FOR PUBLICATION</b>

**1. PURPOSE OF THE REPORT**

- 1.1. To inform Committee members of the result of the appeals

**2. RECOMMENDATIONS**

- 2.1 That the report be noted

**3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION**

- 3.1 2005/064 – This planning application was received on 28 January 2005 and related to the erection of pitched roof and balcony deck at first floor

- 3.2 The application was refused on 15 March 2005 for the following reasons:

The proposed balcony by virtue of its elevated position would result in the potential for overlooking into neighbouring dwellings. In this respect the proposed development would be contrary to Policy DC1 of the Rossendale District Local Plan, which requires that new development should not be detrimental to the existing conditions in the locality.

The proposed balcony would result in the loss of privacy for the occupiers of adjoining dwellings and those to the rear of the proposed development being adversely affected. In this respect the proposed development would be contrary to Policy DC1 of the Rossendale District Local Plan.

This resulted in an appeal being lodged and being dealt with by the written procedure. The appeal was allowed for the reasons given in the decision

letter of the Planning Inspectorate, a copy of which is appended to this report.

#### **4. CORPORATE IMPROVEMENT PRIORITIES**

##### **4.1. FINANCE AND RISK MANAGEMENT**

4.1.1. Quality service, better housing, the environment, regeneration and economic development, confident communities.

##### **4.2. MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS**

4.2.1. N/A

##### **4.3. HUMAN RESOURCES**

4.3.1 **Human Rights Act 1998** implications are considered to be Article 8 which relate to the right to respect for private and family life, home and correspondence. Additionally, Article 1 of Protocol 1 relates to the right of peaceful enjoyment of possessions and protection of property.

#### **5. ANY OTHER RELEVANT CORPORATE PRIORITIES**

5.1. N/A

#### **6. RISK**

6.1. N/A

#### **7. LEGAL IMPLICATIONS ARISING FROM THE REPORT**

7.1. N/A

#### **8. EQUALITIES ISSUES ARISING FROM THE REPORT**

8.1 N/A

#### **9. WARDS AFFECTED**

9.1 Healey/Whitworth

#### **10. CONSULTATIONS**

10.1 The appeal was advertised by individual letters to all parties that were consulted on the planning application.

**11. Background documents:**

11.1 The appeal decision letter

For further information on the details of this report, please contact: Helen Longworth on 01706 244578



# Appeal Decision

Site visit made on 10 January 2006

by **Elizabeth C Ord LLB LLM MA Dip TUS**

an Inspector appointed by the First Secretary of State

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Date **30 JAN 2006**

**Appeal Ref: APP/B2355/A/05/1189179**  
**17 Ainsdale Drive, Whitworth OL12 8QB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A Kavanagh against the decision of Rossendale Borough Council.
- The application Ref 2005/064, dated 27 January 2005, was refused by notice dated 15 March 2005.
- The development proposed is a pitched roof onto existing roof and a balcony deck at first floor.

## Decision

1. I allow the appeal, and grant planning permission for a pitched roof onto existing roof and a balcony deck at first floor at 17 Ainsdale Drive, Whitworth OL12 8QB in accordance with the terms of the application, Ref 2005/064, dated 27 January 2005, and the plans submitted therewith, subject to the following conditions:
  - 1) The development hereby permitted shall be started before the expiration of five years from the date of this decision.
  - 2) Before the development hereby permitted is commenced, details of the materials to be used shall be submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved details.

## Reasons

2. The appeal premises are one of a row of detached houses built onto the side of a hill. At first floor level, views from the main, largely glazed elevation are down the slope, into the rear gardens of dwellings which front Lobden Crescent below. Views in this direction from the proposed balcony deck would not be materially different from those existing. Whilst the proposed balcony deck would result in some overlooking into the adjacent gardens which front Ainsdale Drive, these gardens are already visible from the public realm. Consequently, I find that the proposal would not conflict with Policy DC1 of the Rossendale District Local Plan. My opinion is reinforced by the presence of a similar balcony deck at no. 21 Ainsdale Drive.
3. The Council do not object to the pitched roof and have granted a separate planning permission for its development. I therefore conclude that the proposal is acceptable subject to a condition requiring the Council's approval of the materials to be used, to ensure a satisfactory appearance.

INSPECTOR