



Appeal Decision

Site visit made on 17 March 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Appeal Ref: APP/U2370/D/19/3242750

2 Newton Place, Blackpool FY3 7PT

- 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 Peter Brooks against the decision of Wyre Borough Council.
 - The application Ref 19/00648/FUL, dated 5 June 2019, was refused by notice dated 15 October 2019.
 - The development proposed is described as "single storey rear extension".
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 2 Newton Place, Blackpool FY3 7PT, in accordance with the terms of the application 19/00648/FUL dated 5 June 2019 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed rear single extension and internal alterations, Drawing Number 21 dated June 2019; and
 - Proposed rear single extension and internal alterations, Drawing Number 22 dated June 2019
 - 3) The external surfaces of the development hereby permitted shall be constructed from materials matching that of the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues are the effect of the development on (i) the living conditions of neighbouring residents at 1 Newton Place and 3 Newton Place with particular regard to outlook and loss of light; and (ii) the character and appearance of the host dwelling and surrounding area.

Reasons for the Recommendation

Living conditions

4. The appeal site is located in the middle of a row of terraced houses on Newton Place. The surrounding area is characterised by its residential nature. Newton Place is made up of dwellings which, from the front elevation, vary slightly in size and design but retain a consistency in terms of architecture and character. From the rear the dwellings are stepped in nature such that the rear elevation of the appeal property sits further back than those of No. 1 and No. 3. The appeal property also benefits from a conservatory to the rear that runs along the side boundaries with these properties. This is located adjacent to the boundary fence with No. 3 and the conservatory to the rear of No. 1.
5. The proposed development involves the replacement of the conservatory at the appeal site with a single storey rear extension. From the plans submitted the proposal would occupy a similar footprint to the current conservatory, albeit that it would sit flush along the boundary with No. 1 and closer to the boundary with No. 3. The proposal would also have a flat roof with a raised element of glazing in the middle that would overall be lower in height than the peaked roof of the current conservatory.
6. The proposal would introduce a solid element of built form along the side elevation of the conservatory at No. 1, which would inevitably create a change in the outlook currently experienced from this location. However, the outlook from these windows is already somewhat diminished. These windows are in close proximity to the side elevation of the conservatory at No. 2, and look directly into this neighbouring room. At present the main outlook from the conservatory at No. 1 is experienced from the public realm facing west elevation and to the rear, which would remain unchanged. With regards to views experienced from the rear gardens of No. 1, the overall width and depth of the proposal compared to the current development at No. 2 would remain largely unchanged, with an overall lower roof structure. While it would be located closer to the boundary between these properties, this change in distance is minimal. As such, the proposal would not result in an unacceptable overbearing impact on the residents of No. 1 as a whole.
7. With regards to the property at No. 3, the proposal would be visible from the windows along the rear elevation of the dwelling, which serve habitable rooms, and the rear garden. However, despite introducing a solid element of built form, the proposal would be largely screened by the fence running along the boundary between these properties in the same manner as the current conservatory. Furthermore, the dimensions of the proposal, when compared with the current conservatory at No. 2, do not represent a significant increase. Again, while it would be located closer to the boundary between these properties, this change in distance is minimal. As such, the proposal would not result in an unacceptable overbearing impact on the residents of No. 3 as a whole.
8. For similar reasons, it is not considered that the proposal would lead to a significant loss of light at either No. 1 and No. 3. The proposal would be of similar dimensions to the conservatory currently in place at No. 2. While it would introduce solid built form rather than the glass of the conservatories, the public realm surrounds to the west of No. 1 and the gardens to the east of

No. 3 are sufficiently open to ensure that adequate light is still available for these properties with the proposal in place.

9. Design Note 4 of the Extending Your Home Supplementary Planning Document by Blackpool Council, Fylde Borough Council and Wyre Borough Council Local Development Framework adopted in November 2007 (the SPD) states that rear extensions should not project from the main rear wall of the adjoining neighbouring property by a distance of more than the set off distance from the boundary plus 3 metres. Due to the dimensions of the proposal and the stepped nature of the rear elevations of the appeal site and No. 3 Newton Place, the Council has raised concerns that the proposal fails to comply with this section of the SPD. However, it should be noted that the SPD represents guidance only, and that for the reasons set out above, the proposal nonetheless complies with local policy.
10. Accordingly, while there would be some degree of harm to the living conditions of the occupiers of No. 1 and No. 3 Newton Place with regards to outlook and loss of light, it is not of such a level that the proposal would result in a significant or unacceptable loss of amenity in these terms. As such, it would accord with Policy CDMP3 of the Wyre Council Wyre Local Plan (2011-2031), adopted in February 2019 which seeks to ensure an adequate level of amenity for neighbouring properties and paragraph 117 of the National Planning Policy Framework (NPPF), which calls for planning decisions to ensure safe and healthy living conditions.

Character and appearance

11. The proposal would be constructed with materials to match the main dwelling at the appeal site such that it would respect the character and appearance of the host dwelling. Furthermore, while the rear garden at the property is modest in size, the proposal would have a similar footprint and dimensions to the current conservatory, which would remain should planning permission be refused. Accordingly, it would respect the current scale and proportions of the appeal site.
12. Additionally, views of the proposal would be limited within the surrounding area. As it would not be visible from Newton Place, the high level of consistency that exists along the front elevations of the properties in this street would not be affected by the extension. Similarly, views from Normoss Avenue would remain mostly unchanged, with the proposal largely screened from view by the presence of the conservatory at No. 1 Newton Place. While the proposal would be visible from a section of Ledbury Road and the driveway of No. 40 Normoss Avenue, these would not be overly dominant due to the distance from the appeal site. Furthermore, there would not be a significant change at these locations from the current views of the glazed rear façade of the current conservatory.
13. Accordingly, the proposal would not have significant detrimental impact on the character and appearance of the host dwelling or the surrounding area. As such, it would comply with Policy CDMP3 of the Wyre Council Wyre Local Plan (2011-2031), adopted in February 2019 which seeks to ensure a high level of design and paragraph 127(c) of the NPPF which seeks to ensure new development is sympathetic to local character the surrounding built environment.

Other considerations

14. My attention has been drawn to an appeal decision relating to the site dated 21 March 2019 in respect of a first floor rear double and single storey rear extension¹. The main issues in this earlier appeal were the same as those before me. It was concluded that the proposal would not have an unacceptable impact on the character and appearance of the surrounding area or on the living conditions of the occupants of No. 1. The proposal was refused solely on the grounds that the two storey element would have an unacceptable impact on the living conditions of the occupants of No. 3 and the Inspector expressly stated that the single storey rear extension would not cause such harm. This is consistent with my findings in relation to the current appeal.
15. The concerns of the residents of No. 40 Normoss Avenue relating to the use of the property are noted. However, limited evidence has been provided in this respect and in any event this falls outside the realm of the appeal process relating to this extension.

Conditions

16. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans are necessary for the avoidance of doubt and in the interests of proper planning. I have also imposed a condition which requires the materials to match the existing dwelling in the interests of safeguarding the character and appearance of the area.

Conclusion and Recommendation

17. Having had regard to all matters raised I recommend that the appeal is allowed and planning permission is granted for a single storey rear extension at 2 Newton Place, Blackpool FY3 7PT, in accordance with the terms of the application 19/00648/FUL dated 5 June 2019 subject to the conditions set out at paragraph 1 of this recommendation.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be allowed.

Chris Preston

INSPECTOR

¹ APP/U2370/D/18/3219546