
Appeal Decision

Site visit made on 19 January 2021

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 25th January 2021

Appeal Ref: APP/U2370/W/20/3259937

12 Brocklewood Avenue, Poulton-le-Fylde FY6 8BZ

- 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 Abbas against the decision of Wyre Borough Council.
 - The application Ref 19/00969/FUL, dated 4 September 2019, was refused by notice dated 24 March 2020.
 - The development proposed is described as 'new build of 2 no detached dwellings, dormer bungalow style'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (1) the effect on the character and appearance of the area; (2) the effect on the living conditions of occupants of adjoining bungalows, with particular reference to outlook, loss of light and privacy; and (3) the effect of the parking arrangements on highway safety.

Reasons

Character and appearance

3. The appeal site lies within an established residential area containing a mix of dwelling types. Along Brocklewood Avenue there are semi-detached houses, dormer style properties and bungalows. However, the site itself lies to the rear of bungalows at 14-20 Brocklewood Avenue and 14-18 Cedar Avenue.
4. The proposed dwellings are described as 'dormer bungalow style' dwellings and elsewhere as bungalows but are effectively a pair of semi-detached two-storey properties, albeit that the eaves and ridge heights would be lower than conventional houses. The surrounding development would, to an extent, screen the building, but the flank walls and roof would be visible between and above the bungalows, particularly when viewed from Brocklewood Avenue. The building would have a significant depth and would be close to the boundaries of the nearby bungalows which have relatively shallow back gardens. In such views the large bulk of the building, reflected in the long flank walls and roof, would appear cramped and out of scale with the immediate surroundings, and out of character with the neighbouring bungalows.
5. The bungalows on Cedar Avenue are about 1m higher than the appeal site. The finished floor levels of the development would be reduced by some

400mm. However, the adjoining bungalows on Brocklewood Avenue are at a slightly lower level. The variation in existing and proposed levels would not mitigate the visual impact of the development.

6. For the above reasons the proposal would unacceptably impact on the character and appearance of the area. There would be conflict with Policy CDMP3 of the Wyre Local Plan (2011-2031) (WLP) as the development would not respect the character of the area because of its siting, height and scale. The proposal would represent poor design which the National Planning Policy Framework (the Framework) indicates should be refused.

Living conditions

7. The relatively high and deep flank wall of the development would be some 12m from the rear facing windows of Nos 16 and 18 Cedar Avenue. Although the floor levels of the bungalows in Cedar Avenue are above the appeal site, the mass of the side elevation would appear overpowering when seen from the windows and small gardens to the south. The sketch provided by the appellant showing the relationship between the Cedar Avenue properties and the nearest flank wall of the new building does not appear to accurately depict the height of the proposal.
8. The nearest parts of the rear of Nos 16 and 18 Brocklewood Avenue would be closer than 12m as No 16 has a small conservatory to its rear and No 18 has been extended at the back. For occupiers of these lower adjoining bungalows, the bulky side elevation would appear very oppressive when viewed from their rear facing windows and gardens. There would also be some overshadowing for these south facing windows and gardens, particularly during the winter months when the sun is lower in the sky.
9. The upper floor windows in the flank elevations of the development would contain frosted glass and serve non-habitable rooms so overlooking from rooms with openings on the sides of the building would not occur. However, the rear and front elevations contain a mix of large windows and balconies. Although views would be oblique, there would be some overlooking of the gardens and rear facing elevations of the bungalows to either side from the front and rear facing rooms. These areas of the adjoining bungalows are currently largely private.
10. The garage at No 20 Brocklewood Avenue, sited close to the boundary of the appeal site, would prevent some direct overlooking into the garden and rooms of No 20. This combined with a separation distance of some 20m would prevent an undue loss of privacy for the occupants of No 20.
11. In conclusion the effect on the living conditions of the occupants of the adjoining bungalows, with particular reference to outlook, loss of sunlight and privacy, would be unacceptable. The development would be contrary to Policy CDMP3 of the WLP and the Framework because it would have an unacceptably adverse impact on the amenity of occupants of nearby properties. The development would not achieve the minimum distance of 13m between side elevations and rear elevations set out in the Council's Supplementary Planning Guidance¹. The differences in ground levels referred to above would not result in acceptable relationships between proposed and existing development.

¹ Supplementary Planning Guidance 4 – Spacing Guidance for New Housing Layouts – September 1998

Parking arrangements

12. There would be sufficient space in front of and alongside the pair of properties to provide adequate parking and turning areas for the two new properties and Nos 12 and 14 Brocklewood Avenue which are owned by the appellant. Whilst the layout might require some adjusting in this regard, satisfactory parking and turning arrangements could be secure by condition. Safe access and circulation would be provided in accordance with Policy CDMP6 of the WLP and Section 9 of the Framework.

Conclusions

13. I have taken into account all other matters raised, including that the new houses would be occupied by the appellant's family. However, these considerations do not alter my findings on the main issues.
14. Whilst the parking arrangements would be satisfactory, the development would have unacceptable impacts on the character and appearance of the area and the living conditions of neighbouring residents.
15. For the reasons given above I conclude that the appeal should be dismissed.

Mark Dakeyne

INSPECTOR