



Appeal Decision

Site visit made on 7 November 2023

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State for Levelling Up Housing and Communities

Decision date: 16 November 2023

Appeal Ref: APP/W2370/C/22/3312310

12 Gloucester Avenue, Thornton Cleveleys FY5 2DQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Michael Swarbrick against an enforcement notice (EN) issued by Wyre Borough Council (the LPA).
- The enforcement notice was issued on 3 November 2022.
- The breach of planning control as alleged in the notice is as follows:
The construction of a second story side extension across the southern gable end of the dwellinghouse that forms part of the land and above an attached single storey vehicle garage ('The Extension').
- The requirements of the notice are as follows:
 - (i) Demolish the extension in its entirety.
 - (ii) Remove from the land all building materials rubble and debris arising from compliance with step (i) above).
 - (iii) Reinststate the dwellinghouse that forms part of the land to the condition it was in prior to the construction of the extension.
 - (iv) Reinststate the vehicle garage on the land to the condition it was in prior to the construction of the extension including (but not by way of limitation) the reinstatement of the pitched roof to the vehicle garage.
 - (v) Remove from the land all building materials rubble and debris arising from compliance with steps (iii) and (iv) respectively above.
- The periods for compliance with the requirements are as follows:
 - (i) Step (i) – 6 months.
 - (ii) Step (ii) – 6 months.
 - (iii) Step (iii) – 6 months.
- The Appeal is proceeding on ground (a) only, as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.
- An Appeal (3312311) had also been made by Mrs Sandra Swarbrick, but this lapsed.

Decision

1. The Appeal is allowed. See Formal Decision below.

Introduction and background information

2. The two-storey, semi-detached dwellinghouse, which forms the appeal property, is located on Gloucester Avenue to the east of Rossall Road (A587). This is the main Cleveleys to Fleetwood Road, and the route of the Fleetwood to Blackpool tramway. The house lies roughly in the middle of a row of similarly designed semi-detached houses, some of which have also been extended and altered.

3. Prior to the appeal extension being constructed there was a single storey garage with a mono-pitched roof attached to the south elevation and extending up to the boundary with No 13. This is shown in photograph 1 attached to the enforcement notice. The new first floor extension also extends up to the boundary of the

neighbouring property and a garage has been retained at ground floor level. This is shown in photograph 2 attached to the enforcement notice.

4. The appellant indicates that advice was initially sought from both the Planning (P) and Building Control (BC) sections of the Council. BC had advised changing the roof design from a 'cold roof' to a 'warm roof' and that this had resulted in the height of the extension being increased. A structural engineer had also been appointed in relation to the changes. It is indicated that the BC section of the Council then approved the design for Building Control purposes. However, despite these interactions with the Council there is no planning permission in place for the extension as built.

5. It is indicated that the upper part of the extension was built on top of the existing single-story extension using the existing footprint. It is also stressed that the gap between the two properties has not been reduced and is contended to be in keeping with a number of other properties in the local area. A list of these is set out in the Appeal Form and during my visit I noted most of the examples. It is also indicated that the neighbouring property is not linked by the extension and that it is not considered to result in a terraced effect.

6. However, in the reasons for issuing the EN the Council stresses that due to its height; the fact that it is almost flush with the façade of the house and that the gap between properties has been visually reduced, the extension has resulted in a perceived and unacceptable terraced effect.

The appeal on ground (a)

Relevant Policy

7. On 26 January 2023 the Council adopted the Wyre Local Plan 2011-2023 (WLP) (incorporating a partial update of 2022). The new Local Plan (LP) is a revised replacement of the WLP retaining all of its policies including CDMP3 which is the most relevant policy in relation to the EN as issued. The adopted Supplementary Planning Document (SPD), 'Extending your Home' is also relevant. The National Planning Policy Framework (NPPF) is also a major material planning consideration, and the most relevant section is Section 12, 'Achieving well-designed places.'

The Main issue

8. The main issue is the effect that the extension has had on the character and appearance of this residential part of Cleveleys.

Reasons

9. Policy CDMP3 seeks to achieve a high standard of design for all development within the Borough. The SPD, adopted in conjunction with Blackpool Council and Fylde Borough Council, reinforces the need for good design when extending homes. Both the policy and the SPD seek to ensure that when house extensions are allowed, they must respect and enhance the character and appearance of an area and must create or make a positive contribution to the existing townscape.

10. The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. It specifically indicates that development that is not well designed should be refused, especially where it fails to reflect local and government guidance on design, taking into account any local design guidance and SPDs.

11. Having seen the property from both near and distant viewpoints and having seen some similar, but admittedly not identical, extensions within Cleveleys, I do not share the Council's concerns about the design this particular flat-roofed extension.

12. Although the extension extends up to the shared boundary of No 13, there is still a significant gap of just over 4m between the two properties. I do not accept the Council's contention, therefore, that it has resulted in a 'terraced effect'. When viewing similar extensions in the locality I noted that another nearby flat-roofed extension, in Cumberland Avenue, extended right up to the adjacent dwelling, and this indeed had created a terraced effect.

13. Clearly, I am not aware of the planning status of that particular property, or the other extensions referred to by the appellant, but this particular example did result in a true 'terraced effect'. The appeal property, on the other hand, is not, in my view, perceived as such. The fact that it has the potential to result in such an effect cannot be a determining factor in this instance, where the extension as built must be assessed on its merits and as it stands.

14. Nor do I accept the Council's contention that the extension is '*almost flush*' with the main elevation of the house. It is set back from the frontage by just over 0.5m. When approaching from the south, on both the road and the pavement, this set-back is obvious and noticeable. This again results in an appearance which, in my view, cannot be described as 'terraced'. I consider that the combination of the gap between the dwellings and the set-back results in the extension being perceived as 'subordinate' to the main part of the house. Thus, in my view, it accords with the requirement set out in the SPD.

15. I acknowledge that flat roofed designs can appear as being out of character with their surroundings. However, in this case the simple line of the roof, combined with the materials and finishes, has resulted in an acceptable design that is not harmful to the character and appearance of this section of Gloucester Avenue.

16. In conclusion I consider that the proposal accords with Policy CDMP3 of the WLP, as well as with the requirements of the SPD and the relevant policies set out in Section 12 of the NPPF. It follows that the appeal succeeds, and the enforcement notice will be quashed.

Other Matters

17. Although not raised by the Council, during my visit, I noted the kitchen window in No 13 and considered whether or not this could have resulted in an overbearing effect for the occupants of that house. However, having seen the gable of the extension from within the kitchen and garden of No 13, I do not consider that it has resulted in any harmful effect on the living conditions for the occupants of No 13. I also note that there are no responses or objections before me following the notification letter sent out to inform others of notice.

Formal Decision

18. The Appeal is allowed, and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under Section 177(5) of the Act.

Anthony J Wharton

Inspector