

APPEALS LODGED AND DECIDED

Appeals Lodged between – 15 January – 15 February 2017

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
16/00279/FUL	42 Adelaide Street Fleetwood Lancashire FY7 6AB	Change of use of part of ground floor and whole of first floor from existing shop (A1) to three residential flats. Replacement of ground floor shop frontage window.	Delegated	Written Representations	06 February 2017
16/00430/FUL	Beech House Farm Catterall Lane Catterall Preston Lancashire PR3 0PA	Erection of one, two-storey "chalet" style dwelling	Delegated	Written Representations	06 February 2017

Appeals Decided between – 15 January – 15 February 2017

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
16/00751/OUT	The Warren Longmoor Lane Nateby Preston Lancashire PR3 0JH	Outline application for the erection of one dwelling following removal of existing agricultural building with access applied for off Longmoor Lane.	Delegated	Dismissed	14 February 2017
16/00561/FUL	11 Pennine Gardens Garstang Preston Lancashire PR3 1PT	Single storey rear and side extensions	Delegated	Allow	26 January 2017
16/00510/FUL	147 Blackpool Old Road Poulton-Le-Fylde Lancashire FY6 7RN	Proposed front dormer and front extension to create first floor and gable roof over, and insertion of a window in side of dwelling	Committee	Dismissed	26 January 2017
16/00547/FUL	14 Bolton Avenue Poulton-Le-Fylde Lancashire FY6 7TW	Proposed single-storey rear extension, two-storey side extension, rear dormer and front porch (re-submission 16/00377/FUL) and three tier prospect wall on boundary	Delegated	Dismissed	09 February 2017

Appeal Decision

Site visit made on 31 January 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 14 February 2017

Appeal Ref: APP/U2370/W/16/3162253

The Warren, Longmoor Lane, Nateby PR3 0LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Warren Jones against the decision of Wyre Borough Council.
 - The application Ref 16/00751/OUT, dated 28 August 2016, was refused by notice dated 25 October 2016.
 - The development proposed is described as the erection of 1no detached dwelling following removal of existing agricultural building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal seeks outline planning permission with all matters of detail, other than access, reserved for future consideration. A plan showing the position of the proposed access off Longmoor Lane was submitted with the application. I have had regard to this plan in the determination of this appeal.
3. The Council's Decision Notice refers to policies contained within the emerging Wyre Core Strategy. Whilst the Preferred Options version of the Core Strategy has been subject to public consultation, it has not been formally adopted by the Council. Consequently, I have attached little weight to the policies contained within the emerging plan.

Main Issues

4. The main issues are:
 - Whether the location of the proposed development would be consistent with the principles of sustainable development having regard to national and local planning policies;
 - The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Sustainable development

5. The appeal site is a rectangular area of land located to the rear of the converted barn comprising 'The Warren' and is currently occupied by a
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substantial portal framed barn enclosed by blockwork and fibre cement cladding together with ad-hoc external storage of building/farming materials and equipment. The site is located in the open countryside, outside of the defined settlement, and lies on the southern edge of a small cluster of residential properties and a Chapel formed around the junction of Longmoor Lane and Humblescough Lane. Open countryside comprising of agricultural fields is located to the south and west of the site. Due to its elevated position, the site is quite prominent in views from Longmoor Lane to west.

6. The village of Nateby, with residential properties and a Primary School, predominantly formed in ribbon development set on the north side of Longmoor Lane, is located within a short walking distance of the site. The village has no other local services and is about 3.0km from Garstang which is a market town with shopping and medical facilities. The Council indicate that other than a school bus service, there are no local bus services serving the village.
7. The proposed development would involve the demolition of the barn and the construction of a dwelling with access via an existing track leading to the barn off Longmoor Lane.
8. Paragraph 55 of the National Planning Policy Framework (the Framework) aims to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. None of these apply in this case.
9. Policy SP13 of the Wyre Borough Local Plan seeks to restrict development in the countryside and sets out a number of exceptions where development would be acceptable. The proposed development does not meet any of the stated exceptions within the policy. However, Policy SP13 pre-dates the Framework and insofar as it does not promote sustainable development within the countryside. Accordingly, I have attached limited weight to this policy as the proposed development must be considered against the sustainable development principles of the Framework as a whole.
10. The Council argues that the site is some distance from local services and facilities and with no bus service or safe pedestrian routes and therefore the site is in an isolated and unsustainable location. As such, future occupiers of the dwelling would be dependent on the private car to travel. This would be contrary to one of the core principles in the Framework (paragraph 17).
11. Although the site is close to a small cluster of buildings and as such cannot be considered as isolated, it nevertheless does not form part of the more recognisably developed part of Nateby. Other than the school, the village offers no other facilities or services and given the distance to Garstang, I consider it unlikely that potential future occupants would walk to access the services it provides. Whilst cycling may form an alternative method of transport, given the rural and unlit nature of the local roads, and the distance involved, I do not consider that cycling would be the preferred mode of transport.
12. I agree with the Council, that due to the absence of facilities within the village and the lack of public transport provision, it is highly likely that the future

occupants of the dwelling would need to use a private car to access facilities elsewhere. Whilst the occupants of the proposed dwelling would make use of the services and facilities in nearby settlements which would support their vitality, they would be doing so using unsustainable transport means. Moreover, as the proposal is for a single dwelling, I do not consider that it would contribute to the enhancement or maintenance of the vitality of nearby settlements to any significant degree.

13. Notwithstanding the fact that there are other properties in the locality, the proposed development would be in the countryside and in an unsustainable location. Whilst its location may be no more unsustainable than the neighbouring properties, unsustainable development should not be perpetuated in areas with few or no facilities.
14. For the above reasons, I find that the proposal would not lead to a sustainable form of development in this rural area. As such, it would be contrary to paragraphs 17 and 55 of the Framework and Policy CS13 of the Wyre Borough Local Plan.

Character and appearance

15. Although the existing barn is a substantial structure, it nevertheless is of a form, scale, design and use that is common and established in the countryside. The proposed replacement dwelling would be located to the south of existing properties. As such, it would not comprise of infill development or follow the predominant form of linear ribbon development that is a characteristic of Nateby.
16. It would represent the extension of residential development into the open countryside which would significantly alter the appearance and rural character of area in both views from the road and the wider rural setting. This would have a detrimental impact on the rural character of the area and undermine the Council's approach to concentrate development within settlement boundaries.
17. I recognise that the proposed development would likely result in the removal of some of the external storage elements and to some extent represent a visual improvement. However, it would result in the replacement of an agricultural building, which is an accepted part of the rural landscape, with residential development protruding into the countryside, outside of the defined settlement limits and in a form that is contrary to the established development pattern of the nearby village. As such, it would result in the urbanisation of this part of the countryside that would cause unacceptable harm to the character and appearance of the area.
18. Taking the above factors into account, I therefore conclude that the development would harm the character and appearance of the area and would be contrary to Saved Policies SP13 and SP14 of the Wyre Borough Local Plan. These policies, amongst other things, require that development should be acceptable in the local landscape and not have a detrimental effect on the qualities and character of the local environment.

Other matters

19. I accept that the proposed dwelling would make a useful yet very small contribution to housing supply in the Borough bearing in mind the evidence

that the Council cannot currently demonstrate a Framework compliant supply of housing land. However, this, along with the other matters identified in the evidence as potentially weighing in favour of the proposed development, does not outweigh the significant harm identified above in that the proposal would constitute unsustainable development in the countryside.

20. Both the Council and the appellant have drawn my attention to previous appeal decisions within the locality. I do not have full details of those appeal or the circumstances which led to their relevant decisions. Consequently, I cannot be sure that the circumstances in those cases are directly comparable to those in this appeal. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Conclusion

21. Notwithstanding the benefits of the scheme including the contribution to the supply of housing, I consider that the proposed development would not be consistent with the principles of sustainable development and would cause harm to the character and appearance of the countryside. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR

arm/rg//pla/cr/17/0103 Appeals App1

Appeal Decision

Site visit made on 9 January 2017

by **Mark Dakeyne BA (Hons) MRTPI**

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

Decision date: 26th January 2017

Appeal Ref: APP/U2370/D/16/3162463

11 Pennine Gardens, Garstang, Preston, Lancashire PR3 1PT

- 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 Ben Jurin on behalf of Ms R Keeling against the decision of Wyre Borough Council.
 - The application Ref 16/00561/FUL, dated 21 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is a single storey rear and partial side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and partial side extension at 11 Pennine Gardens, Garstang, Preston, Lancashire PR3 1PT in accordance with the terms of the application, Ref 16/00561/FUL, dated 21 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Ground Floor Plan Drawing No 201606 PP.01, Existing Elevations Drawing No 201606 PP.02, Proposed Ground Floor Plan Drawing No 201606 PP.03, Proposed Elevations Drawing No 201606 PP.04 (all dated June 2016) except in respect of the 1m projection of the roof canopy to the rear shown on Drawing Nos. 201606 PP.03 and 201606 PP.04 which shall not be constructed.

Main Issue

2. The main issue is the effect of the single storey rear extension on the living conditions of the occupiers of 9 Pennine Gardens with particular reference to outlook and sunlight.

Reasons

3. The appeal site contains a semi-detached dormer style property. That part of the rear extension close to the common boundary with the adjoining property, No 9 Pennine Gardens, would project out from the rear elevation by about 4.6m. At a height of 3.1m about 1.2m of the timber cladding of the side elevation would be seen above the 1.9m fence through the nearby window serving a small sitting room.
 4. Given the height and projection of the extension there would be some adverse impact on the outlook from the lounge. It would also exacerbate the tunnelling
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effect experienced when looking out of the lounge caused by the presence of the fence and a kitchen extension on No 9. However, the impact could be mitigated by removing the roof canopy part of the extension as put forward by the appellant¹ as this would reduce the depth of the extension to some 3.6m. Taking into account the existing fence height, the modified design would result in the impact on outlook being within acceptable bounds.

5. The rear elevation of Nos. 9 and 11 faces south-west. The extension would be to the south-west of the sitting room on No 9. The sun path analysis carried out by the appellant indicates that the amount of sunlight experienced in the sitting room and part of the garden closest to the house in the morning, at noon and mid-afternoon would not be materially affected by the extension. There would be likely to be some late afternoon overshadowing and loss of summer evening sunlight but this would not be significant in comparison with that caused by the existing fence and eaves overhang. I noted from my site visit that there are dwellings to the west which are already likely to hide the setting sun to an extent.
6. Accordingly I find that the single storey rear extension would have an acceptable impact on the living conditions of the occupiers of 9 Pennine Gardens with particular reference to outlook and sunlight. In arriving at this conclusion I have had regard to the fact that No 9 has an open aspect to the front with the Lancaster Canal lying beyond the estate road. A larger front lounge benefits from this outlook.
7. I find compliance with Policies SP14 and H4 of the Wyre Borough Local Plan as the proposal would meet 'amenity' requirements. With regard to the Supplementary Planning Document 'Extending Your Home' (SPD) the rear extension would exceed the 3m projection set out in 'Design Guidance 4: Single Storey Rear Extensions'. However, I note that the SPD was adopted in 2007 and since that time permitted development rights for householder development have been amended such that it is possible to extend out by 6m to the rear subject to prior approval procedures. This change in regulations reduces the weight that I give to the SPD guidance and provides a realistic fallback position which could have more impact on the neighbours in the event that the appeal was dismissed.
8. The Council raises no concerns about the effect of the extension to the side on the occupants of No 15 Pennine Gardens. Having regard to the position of the proposal relative to the neighbour's garage and the secondary windows in the side elevation I agree that there would be no material impact.
9. For the above reasons the appeal should be allowed. For certainty and to safeguard the living conditions of the adjoining occupiers a condition should be imposed requiring compliance with the plans other than in respect of the exclusion of the rear canopy projection (paragraph 4 refers). Such a condition would not change the substance of the development applied for.

Mark Dakeyne

INSPECTOR

¹ See para 3.10 of the appellant's agent's statement

Appeal Decision

Site visit made on 9 January 2017

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 26th January 2017

Appeal Ref: APP/U2370/D/16/3163554

147 Blackpool Old Road, Poulton-le-Fylde, Lancashire FY6 7RN

- 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 Julian Attwood against the decision of Wyre Borough Council.
 - The application Ref 16/00510/FUL, dated 26 May 2016, was refused by notice dated 15 September 2016.
 - The development proposed is a front dormer and front extension to create first floor and gable roof over, and insertion of a window in side of dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the front extension on the character and appearance of the property and the surrounding area.

Reasons

3. Blackpool Old Road in the vicinity of the appeal site is fronted by a mix of dwelling types. There is a run of semi-detached houses with even spacing sitting slightly above the road on its southern side whereas to the north a row of bungalows, including the appeal property, line the highway. Nos. 133 to 149 are, with one exception, conventional bungalows with similar widths, heights and roofing materials and no modifications to their front roof slopes, albeit that the specific designs vary. The exception is No 141 which is significantly wider and has a gable and dormers in its front roof slope. No 151 is also a bungalow with a roof height comparable with those to the east but has a wider frontage.
 4. The predominantly even line of hipped and gabled tiled bungalow roofs seen on the approach from both the north-east and south-west and face on would be noticeably disrupted by the front extension into the roof slope. The ridge height of the gable would be the same as the existing and the extension would not come forward of the existing ground floor. But the eaves height would be well above that of the bungalow so that significant areas of the side walls of the extension would be seen alongside the roof slope. This characteristic, combined with the width of the extension and the amount of its projection forward to about the same plane as the front elevation, would result in an unduly bulky addition to the roof.
 5. The existing bungalow is plain in its appearance and the front elevation is not symmetrical due to the small shallow pitched roof projection to the right.
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- However, the bulky extension, when seen alongside the more modest gabled dormer to the left, would also lead to a significantly more imbalanced front elevation.
6. I acknowledge that the forward projecting gable and dormers of No 141 already leads to some disruption to the otherwise consistent run of roofs. However, that property can be distinguished from the appeal bungalow and others in the line due to the size of the plot and the spacing to its eastern side such that it is more able to absorb the alterations that have taken place recently than would the more modestly proportioned appeal property and other nearby bungalows. Moreover, the eaves height of the gable to No 141 does not exceed that of the remainder of the property and the roof is below the main ridge so it sits comfortably as part of the roofscape.
 7. The semi-detached and detached houses to the east of No 133 are part of the wider street scene and have different eaves heights but, like the semi-detached properties opposite, do not form part of the more contained line of bungalows.
 8. I conclude that the front extension would have an unacceptable impact on the character and appearance of the property and the surrounding area. There would be conflict with Policy SP14 and, by association, Policy H4 of the Wyre Borough Local Plan as the addition would not represent a high standard of design and would not be acceptable in the 'local landscape' due to its scale, style and siting.
 9. The Supplementary Planning Document 'Extending Your Home' is a material consideration. That part of the guidance relating to 'Front Extensions' would not be followed as the addition would be intrusive in the street scene and would not be modestly sized and sympathetically proportioned with, and would harm the character of, the main building. The development would represent poor design which the National Planning Policy Framework says should be refused.
 10. The modest proportions of the front dormer would not unduly disrupt the appearance of the dwelling or the street scene and the new side window to the stairwell could be obscure glazed. Therefore, I agree with the parties that neither of these elements would be objectionable. I also note that planning permission exists for two matching dormers to the front roof slope but these would be more in scale with the existing dwelling and its immediate neighbours than the front extension before me.
 11. For the reasons given above the appeal should be dismissed.

Mark Dakeyne

INSPECTOR

Appeal Decision

Site visit made on 31 January 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 9 February 2017

Appeal Ref: APP/U2370/D/16/3162179

14 Bolton Avenue, Poulton-le-Fylde FY6 7TW

- 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 S Mattinson against the decision of Wyre Borough Council.
 - The application Ref 16/00547/FUL, dated 13 June 2016, was refused by notice dated 10 August 2016.
 - The development proposed is a single storey rear extension, two storey side extension, rear dormer and front porch (re-submission of 16/00377/FUL).
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Decision

1. The appeal is dismissed

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal property comprises a relatively modest sized semi-detached dwelling located on a prominent corner plot. A wide, spacious public footpath is located immediately to the west of the plot boundary leading to an area of open space to the rear of the property. Bolton Avenue is an estate of relatively modern detached and semi-detached dwellings, some of which have been extended but overall the extended dwellings remain proportionate to their plot size.
 4. The proposed development would involve the construction of a two storey side extension having a front façade that would be commensurate with that of the existing property and a pitched roof with the same ridge height as existing; a rear single storey extension that would be approximately 3.5 m deep and extend almost the full width of the extended property; a rear dormer that would be set in from the sides of the extended roof by approximately 0.85m and set back approximately 0.5 from the eaves; a three tier parapet wall of the western boundary of the property with the footpath and a front porch.
 5. In order to provide guidance to achieve the acceptable design and appearance of residential extensions, the Council has adopted a Supplementary Planning Document – Extending your home. This requires that the bulk and scale of the extension should appear subordinate to the original property, should not change the general character of the area and should not form an overly
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- dominant feature in the street or as seen from neighbouring homes or garden areas.
6. The proposed extensions would be considerable additions to the property which I consider would unacceptably unbalance the appearance of this pair of semi-detached properties within the street scene. The side extension, in not being set in from the front façade or set down from the eaves, would appear as an overly dominant addition to the property in views from Bolton Avenue.
 7. The proposed rear dormer, although set in from the sides, would occupy the majority of the extended rear roof slope and as such would dominate the appearance of the roof of the property. Cumulatively, with the scale and mass of the rear single storey extension, the proposed rear extended elements would appear as dominant and incongruous additions to the property, particularly in views from the open space and footpath. Similarly, these elements would also unacceptably unbalance the appearance of the pair of semi-detached properties.
 8. The extended gable of the property and the proposed parapet wall would represent a considerable blank mass of walling positioned adjacent to the footpath. I agree with the Council that these features would unacceptably introduce a sense of enclosure on this part of the footpath by the introduction of a prominent and stark mass of brickwork that would erode the sense of spaciousness that currently exists along this part of the route of the path leading to and from the openspace.
 9. I also agree with the Council that the proposed front porch, whilst a modest addition to the property, would cumulatively contribute to the excessive mass and bulk of the combined extended elements.
 10. Whilst I observed that the adjacent property at No 16 has a first floor rear extension, and that there are examples of rear dormers in the vicinity, the proposed extensions would be of a scale and mass that are like no others on this part of the street. Given the prominence of the site, they would appear as overly dominant development that would harm the appearance of this pair of semi-detached dwellings and appear at odds with the scale and mass of development in the locality.
 11. Taking the above factors into account the proposed development would represent disproportionate and incongruous additions to property that would cause unacceptable harm to the character and appearance of the surrounding area. Consequently, it would be contrary to Saved Policies SP14 and H4 of the Wyre Borough Local Plan (1999). These policies, amongst other things, require that residential extensions should be of a high standard of design that is acceptable in terms of scale, mass and style and should be compatible with adjacent existing land uses.

Conclusion

12. For the above reasons and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR