

APPEALS LODGED AND DECIDED

Appeals Lodged between – 15 November 2017 – 15 January 2018

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
17/00120/FUL	115 Carr Head Lane Poulton-Le-Fylde Lancashire FY6 8EG	Proposal for 2 no. additional plots - plot numbers 102 & 103 including change of alignment and position of the turning head at the end of the adoptable highway	N/A	Non determination	30 November 2017
14/00607/DIS2	Land At Carr Head Lane Poulton-Le-Fylde Lancashire FY6 8EG	Discharge of conditions 5 (Crime report), Condition 6 (Affordable Housing Layout), Condition 8 (Drainage Layout), Condition 9 (Drainage Layout), Condition 13 (Tree Protection Plan), Condition 16 (Desk Study), Condition 17 (Construction Environment Management Plan), Condition 19 (Site access), Condition 21 (Landscape Management Plan), Condition 22 (Traffic Management) on planning application 14/00607/OUTMAJ.	Delegated	Hearing	30 November 2017
16/01093/FUL	Bowses Hill Stud Neds Lane Stalmine-With-Staynall Lancashire	Retrospective application for the change of use of land for the siting of one residential caravan (for the occupation of one gypsy traveller family) and two touring caravans for leisure/cultural use	Delegated	Hearing	21 November 2017

16/00978/OUTMAJ	Land South Of Rosslyn Ave Preesall Lancashire FY6 0HE	Outline application for the erection of up to 70 No dwellings, with associated access (all other matters reserved).	Delegated	Written Representations	22 November 2017
16/00979/FUL	Graceland Wardleys Lane Hambleton Poulton-Le-Fylde Lancashire	Siting of a temporary mobile home for a 3 year period for use in connection with stables	Delegated	Written Representations	30 November 2017
16/00195/COU	7 Curlew Close Thornton Cleveleys Lancashire FY5 2AN	Appeal against the enforcement notice	Delegated	Written Representations	29 November 2017
16/00981/FULMAJ	Land Off Hardhorn Road Poulton-le-Fylde Lancashire FY6 8DH	Residential development comprising the erection of 30 dwellings with associated works including access and landscaping	Committee	Public Inquiry	05 December 2017
17/00455/FUL	1 Maple Cottages Sowerby Road Inskip-With-Sowerby Lancashire PR3 0TT	Application for removal of condition 5 (relating to holiday accommodation) on Planning Permission 08/00385/FUL	Committee	Written Representations	22 December 2017
17/00178/FUL	Blueberry Stables Lancaster Road Preesall Poulton-Le- Fylde Lancashire FY6 0HN	Erection of detached dwelling and change of use of domestic stables to stud and operation from site of mobile farrier business	Delegated	Written Representations	22 December 2017

Appeals Decided between – 15 November 2017 – 15 January 2018

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
16/00904/FUL	Greygates 11 Back Lane Stalmine Poulton-Le-Fylde Lancashire FY6 0JN	Erection of one detached bungalow	Delegated	Allowed	20 December 2017
17/00653/FUL	6 Edenfield Avenue Poulton-Le-Fylde Lancashire FY6 8HS	Rear dormer	Delegated	Dismissed	27 November 2017
17/00307/FUL	79 Springfield Drive Thornton Cleveleys Lancashire FY5 4LL	Single storey flat roofed rear extension	Delegated	Allowed	15 December 2017
16/00444/DIS1	115 Carr Head Lane Poulton-Le-Fylde Lancashire FY6 8EG	Discharge of condition 12 (site levels) on application 16/00444/RELMAJ	Delegated	Withdrawn	04 December 2017



Appeal Decision

Site visit made on 24 October 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 20th December 2017

Appeal Ref: APP/U2370/W/17/3177796

Greygates, 11 Back Lane, Stalmine FY6 0JN

- 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 Morton against the decision of Wyre Borough Council.
 - The application Ref 16/00904/FUL, dated 7 October 2016, was refused by notice dated 15 March 2017.
 - The development proposed is the erection of one detached bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one detached bungalow at Greygates, 11 Back Lane, Stalmine, FY6 0JN in accordance with the terms of the application, Ref 16/00904/FUL, dated 7 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: Location Plan 1:1250 scale OS plan dated 4 August 2014; Site Plan/Proposed Elevations/Proposed Plans DWG No LF/DM/3102
 - 3) No development shall take place until full details of surface and foul water drainage for the site shall have been submitted to and approved in writing by the local planning authority, including results from percolation tests to establish that ground conditions are suitable for the use of any soakaways. The approved scheme shall be implemented in full on site prior to the first occupation of the dwelling and maintained thereafter.
 - 4) No development shall take place until details of the surfacing materials of the vehicular access have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details before the first occupation of the dwelling.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area
 - Whether this would be an appropriate location for the proposed development having regard to national and local planning policies.

Reasons

Character and appearance

3. The appeal site is part of a field located on Back Lane which is associated with a livery/stud farm. It has the character of an entrance to and connection with the livery/stud farm. The livery/stud farm buildings are visible beyond the site and the entrance is clearly defined by brick walls and a gate. Back Lane is a narrow, rather enclosed, lane which extends out from Stricklands Lane into the wider countryside. With existing and under construction housing on the lane, its character is one of being part of a settlement. Directly opposite the appeal site are the buildings of Moor End Farm. Beyond Moor End Farm and the entrance to the livery/stud farm, the character of Back Lane changes as the lane enters more open countryside and views become more open and distant.
4. The proposed development is a relatively small single storey dwelling which would sit back from the road frontage and would utilise the existing livery/stud farm entrance. It would be viewed from the road against the backdrop of the trees behind. Whilst it would introduce a built form, given the arrangement of surrounding buildings set out above I do not consider it would have a harmful effect on the character and appearance of the area.
5. I therefore conclude that the proposed development would not have a harmful effect on the character and appearance of the area and would accord with Policy SP13 and SP14 of the Local Plan which amongst other things seeks to ensure that developments are acceptable within the local landscape and incorporate high standards of design. I also consider that the proposal would accord with the fifth bullet point of the Core Principles set out in Paragraph 17 of the Framework which seeks to ensure development takes account of character of different areas including the countryside.

Appropriate location

6. The appeal site lies around 160m from the junction with Stricklands Lane which links to the main part of Stalmine village where there are shops, services and a primary school. The route along Stricklands Lane is along a lit, well made footpath. I have not been provided with the distance to those facilities from the appeal site or the Stricklands Lane/Back lane junction, but based upon my observations when I visited, I consider that they are within walking distance of the appeal site. There is ribbon development extending from the core of the village along one side of Stricklands Lane to and just beyond the junction with Back Lane. Back Lane is a narrow lane which extends out to more open countryside to the east beyond the appeal site.
7. Between the appeal site and the junction of Back Lane with Stricklands Lane, there are a number of farm buildings, a camping site, existing housing and a housing development under construction. Planning permission exists for further housing development along Back Lane between the appeal site and the junction with Stricklands Lane. In granting planning permission for these developments it is fair to assume that the Council must have been satisfied that they were in a location sufficiently close to the shops and services in the village to enable access by walking and cycling.
8. The proposed development is for a three bedroomed detached bungalow to be set back from the road and accessed off the entrance to the livery/stud farm.

9. Paragraph 55 of the National Planning Policy Framework (the Framework) aims to locate housing in rural areas where it will enhance or maintain the vitality of rural communities and isolated homes in the countryside should be avoided except in special circumstances.
10. The pattern of the village is such that it extends out in a ribbon form to, and slightly beyond, the Back Lane/Stricklands Lane junction. There are already a number of houses in the area around the junction and planning permission exists for additional development. With the houses under construction on the north side of Back Lane and planning permission granted for residential development on the south side behind Rathsheen, that part of Back Lane will have become more of an established cluster of houses connected to the village when the developments are complete.
11. There is no footpath along Back Lane and there is a slight bend in it between the houses under construction and the appeal site. However, the lane is lit, and lightly trafficked. I consider that these factors would encourage walking or cycling between the appeal site and the junction with Stricklands Lane from where there is a lit footpath into the village. I therefore consider that the occupants of the proposed house would not be reliant upon the use of a car to access the shops and services in the village.
12. Given the clustering of housing around the junction and extending down Back Lane, and its connection to the main part of the village, I consider that the appeal site would constitute a location where housing would enhance or maintain the vitality of rural communities, as required by the Framework. It would function as part of that cluster which would maintain or enhance the vitality of Stalmine.
13. 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 in that policy. However, Policy SP13 is inconsistent with the Framework insofar as it does not promote sustainable development in the countryside. I have therefore attached only limited weight to that policy and have considered the proposed development against the provisions of the Framework. Since Policy SP13 is inconsistent with the Framework, I consider that paragraph 55 of the Framework is a material consideration which justifies not dismissing the appeal on this issue having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004
14. For the reasons set out above I conclude that the appeal site is an appropriate location for the proposed development having regard to Paragraph 55 of the Framework. I have attached little weight to the policies referred to me from the emerging *Wyre Local Plan* as it has yet to be submitted for examination.

Other matters

15. The Council's inability to demonstrate a five year supply of deliverable housing land is not in dispute. The proposed development would only provide one dwelling and so I have given the housing land supply position limited weight. Nevertheless it does lend some support to the proposal which I have found to accord with the provisions of the Framework as a whole.

16. I have given little weight to the appellant's case that the dwelling would enhance the ability of its occupants to manage and supervise the livery/stud operation. The application was made for an open market dwelling and I have considered the appeal on that basis. No occupancy conditions have been suggested to me by the Council and they are not necessary to make the proposal acceptable.
17. I have had regard to the appeal decisions submitted by the appellant in relation to proposals elsewhere in the district, but have reached my own conclusions on this case on the basis of the evidence before me.

Conditions

18. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance (the PPG) and the Framework. In addition to the standard condition relating to the time period for implementation, there is a need for a condition specifying the plans to which the permission relates, in the interests of clarity and certainty. There is also a need for conditions relating to drainage in the interests of the environment, and to require surfacing details of the access drive in the interests of character and appearance. I have not imposed a condition relating to the submission of a study relating to contamination as I have little evidence before me to suggest that such a condition is necessary to make the development acceptable in planning terms and would therefore accord with the tests in the PPG and the Framework. However, if any contamination is nonetheless found I am mindful that it would need to be addressed under other legislation in any event.

Conclusion

19. For the reasons set out above I have found that the proposed development would be in an appropriate location and would not be harmful to the character and appearance of the area. Therefore, and having considered all matters raised, I conclude that the appeal should be allowed.

Mike Worden

INSPECTOR



Appeal Decision

Site visit made on 14 November 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 27 November 2017

Appeal Ref: APP/U2370/D/17/3187221

6 Edenfield Avenue, POULTON-LE-FYLDE FY6 8HS

- 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 and Mrs McLaren against the decision of Wyre Borough Council.
 - The application Ref 17/00653/FUL, dated 12 July 2017, was refused by notice dated 21 September 2017.
 - The development proposed is removal of existing loft conversion and proposed flat roof dormer to the rear elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed rear dormer on the character and appearance of the host property and the wider streetscape.

Reasons

3. The host property is an extended semi-detached bungalow located within an established residential area of properties of a similar design. At the time of my site visit I noted that a number of properties had flat roofed dormers to the rear which could be seen from the road. However, from what I observed they appeared smaller than that proposed. Moreover, I am unaware of their planning status.
4. Both the cheek and face of the proposed dormer would be covered in hanging tiles to match the existing roof. However, whilst it would not extend the whole width of the roof plane, and its roof would be marginally below the ridge line I consider that it would not be 'well within the body of the roof' as recommended within the Council's Extending Your Home Supplementary Planning Document (SPD) adopted 2007. This SPD expands on the design principles set out in the saved Policies H4 and SP14 of the Wyre Local Plan (1999) (LP) relating to scale, style and massing, and which whilst they predate the publication of the Framework, are generally consistent with its core planning principle, to always seek to secure high quality design.
5. The appellant has argued that the impact of the dormer would be lessened and screened by the roofs of the two existing single storey extensions. I also note that the appellant suggests that it would be possible, by removing the existing

roofs over the extended property to implement the proposed development using permitted development rights. However, whilst possible, I do not consider that this is likely as a fall-back position. Moreover, from what I observed the introduction of another form of roof to the host property, in addition to the pitch and hipped roofs of the extensions would appear awkward and incongruent.

6. Consequently, whilst I am aware of the appellants' desire to provide additional living accommodation at first floor level, and note that the neighbour at no 8 Edenfield Avenue has no objection to the proposed development, I conclude that the proposed rear dormer would result in a significant detrimental impact on the character and appearance of both the host property and the wider area when viewed from the rear, contrary to Saved Policies H4 and SP14 of the LP and the provisions of the SPD.

Conclusion

7. For the reasons set out above I dismiss the appeal.

L. Nurser

INSPECTOR



Appeal Decision

Site visit made on 11 December 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 15th December 2017

Appeal Ref: APP/U2370/D/17/3184855

79 Springfield Drive, Thornton Cleveleys FY5 4LL

- 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 Miss Maddison McClusky against the decision of Wyre Borough Council.
 - The application Ref 17/00307/FUL, dated 7 April 2017, was refused by notice dated 12 July 2017.
 - The development proposed is a single storey flat roofed rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey flat roofed rear extension at 79 Springfield Drive, Thornton Cleveleys FY5 4LL in accordance with the terms of the application, Ref 17/00307/FUL, dated 7 April 2017, 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: Location Plan Ref 201701.LP; Existing Ground Floor Plan Ref 201701.PP.01; Existing Elevations Ref 201701.PP.03; Proposed Site Plan 201701.SP; Proposed Ground Floor Plan Ref 201701.PP.01 Rev C; and Proposed Elevations 201701.PP.04.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in the appeal is the effect of the proposed extension on the living conditions of the occupiers of No 81 Springfield Drive with particular regard to outlook.

Reasons

3. The appeal property is a semi-detached house located on a bend in the road which means that it, and its attached neighbour, have splayed plots with the rear boundary being much wider than the front. As a result of this, and the expansive playing fields located beyond, the rear elevation and gardens of these two properties enjoy a good degree of openness and space.

4. Detailed guidance on extensions to dwellings is found in the *Extending Your Home Supplementary Planning Document (adopted November 2007)* (SPD). This indicates that a single storey or ground floor rear extension set off a boundary should not project more than the set off distance plus 3 metres from the main rear wall of the adjoining neighbouring property. In this case the Council have indicated that this means 3.2m.
5. The proposed extension would be located close to the common boundary and would extend approximately 6.75m along it. Therefore the extension would be larger than normally considered acceptable by the SPD. However, the size of the extension is determined by the specific requirements of the medical circumstances of the appellant's son. The evidence indicates that internal alterations to the house to meet these needs are not possible, and that other positions for the extension within the plot would not be possible either.
6. The rear elevation of No 81 contains a mixture of both habitable and non-habitable windows and doors, and at present there is a high fence along the common boundary between Nos 79 and 81. Although the flat roofed design of the extension means that its height is limited, it would still be higher than the boundary fence. However, whilst it would be visible from the windows on the rear elevation of No 81, views would be at an angle with the main outlook of these windows being of the garden and to the playing fields beyond.
7. Given this, and due to the level of openness and space that the rear elevation and garden of No 81 enjoys, I am satisfied that, in this instance, the proposed extension would not have an overbearing impact on the occupiers of this dwelling. Consequently, I consider that the occupiers of this house would still have a pleasant outlook from the windows in the rear of their dwellings. In addition, given the limited height of the extension, I do not consider the proposal would create an unneighbourly sense of enclosure to the garden area. In addition, as No 81 lies to the south of No 79, the proposal would not result in any overshadowing or adverse loss of light to No 81, or its rear garden.
8. Thus whilst the proposal would not comply with the requirements of the SPD, given the specific circumstances of this case, which have led me to conclude that it would not have a detrimental impact on the living conditions of the occupiers of the neighbouring property, I consider that in this instance a larger extension would be acceptable.
9. Consequently, I consider that the proposed extension would not unacceptably harm the living conditions of the occupiers of No 81 Springfield Drive, with particular regard to outlook. Accordingly there would be no conflict with Policies Sp14 and H4 of the *Wyre Borough Local Plan (adopted July 1999)* which require that developments are compatible with adjacent land uses.
10. I note the concern regarding noise during construction but any such disturbance would only be for a temporary period. In addition, any damage caused to property during construction would be a private matter between the parties involved.

Conclusion and Conditions

11. For the reasons set out above, I conclude that the appeal should be allowed.
12. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans, as this provides certainty. In the

interests of the character and appearance of the area a condition is required to control the external appearance of the extension.

Alison Partington

INSPECTOR