



Appeal Decision

Site visit made on 12 March 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2019

Appeal Ref: APP/U2370/D/18/3219546

2 Newton Place, Normoss, Blackpool, Lancashire 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 18/00861/FUL, dated 27 August 2018, was refused by notice dated 23 November 2018.
 - The development is described on the application form as a 'first floor rear double and single storey rear extension'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published the revised National Planning Policy Framework (the Framework) on 19 February 2019, which forms a material consideration in the determination of the appeal. The principle changes to the Framework relate to the Housing Delivery Test. Matters relating to housing delivery are not at issue in this appeal. I do not consider, therefore, that it is necessary to seek additional comments from the parties in respect of the revised Framework or that there would be injustice caused to any party by my taking the revised Framework into account in determining the appeal.
3. Since the Council made its decision on the planning application which is subject of this appeal, on 23 November 2018 the Wyre Local Plan (LP) was adopted on 28 February 2019. Consequently, the policies contained within the Wyre Borough Local Plan 1999 have been superseded. I am required to determine this appeal on the basis of the development plan which is in force at the time of my decision. The Council have confirmed in correspondence received that they now rely upon Policy CDMP3 of the LP. As this policy was referenced on the Council's decision notice and has been adopted without modification, the appellant has had an opportunity to provide their views on this new policy during the course of the appeal. This appeal has therefore been determined in relation to the policy contained within the LP.
4. For clarity, the address of the development in the banner heading above is taken from the Council's decision notice, since this is complete and more precise.

Main Issues

5. I consider that the main issues are:
 - The effect of the proposal on the living conditions of the adjoining occupiers of 1 & 3 Newton Place; and,

- The effect of the proposal on the character and appearance of the appeal site and the surrounding area.

Reasons

Living conditions

6. The appeal property is a mid-terraced house in a modern mews style development. There is a stagger in the building line in the terrace that results in the host dwelling being set back further to the rear than the adjoining dwellings. Currently located off the rear elevation of the host dwelling is a conservatory, which projects from the original wall by approximately 4 metres.
7. The proposal seeks to replace the existing conservatory with a part 2-storey/ part single storey rear extension. The single storey element would project approximately 4 metres from the original rear wall of the host dwelling, whilst the 2-storey element would project approximately 1.5 metres from the original rear wall. The scheme would have full height glazing panels installed on both side elevations of the proposal at a depth of 3 metres to make up the remaining depth of the single storey element.
8. LP Policy CDMP3 requires development not to have an unacceptably adverse impact on the amenity of occupants and users of surrounding or nearby properties. The Supplementary Planning Document – Extending Your Home 2007 (SPD) Design Note 1B ii) requires proposals not to result in a built form that is overly dominant and is out of scale with its immediate context or fails to be visually subordinate to the host building.
9. Additionally, SPD Design Note 5 i) requires first floor rear extensions on the boundary should not project more than 1.5 metres from the main rear first floor level wall of the adjoining neighbouring property/properties; and, SPD Design Note 5 ii) requires first floor extensions set off the boundary shall not project by more than half the set off distance plus 1.5 metres from the first floor rear wall of the adjoining neighbouring property.
10. I noted during my site visit the existing conservatories present on the rear elevations on the host dwelling and No 1 and consider these to form a material consideration in the determination of this appeal. With regards to No 1, and due to the presence of its conservatory, I find that there will be no harm to its ground floor rear windows. With regards to the habitable room windows at first floor I noted a bedroom window close to the boundary with the host dwelling. However, I find that although the projection of the 2-storey rear extension would be in excess of the guidance contained in the SPD, the increase would be marginal due to the minimal set back of its rear elevation with No 1. Additionally, due to No 1 forming the end of the terrace, it benefits from a more open location, which would provide further mitigation for its occupants.
11. However, I have concerns with regards to the occupiers of No 3 through the resultant effect from the proposal that would occur. The host dwelling has a greater set back on its rear elevation with No 3 than that experienced with No 1. Additionally, No 3 does not have any structures on its rear elevation like there is in the form of the conservatories present at No 1 and the host dwelling.
12. I have particular concern with regards to the 2-storey element of the proposal, as this would be located in close proximity to habitable room windows at both

ground and first floor. This would result in an overbearing effect on the occupiers of No 3 due to the height of the 2-storey rear extension which would sit very close to the shared boundary with No 3. I consider that in this case the combined height, depth and proximity of the proposed 2-storey rear extension to the habitable ground and first floor windows at No 3 would have an adverse effect on the living conditions of its occupants in terms of a loss of outlook and sense of enclosure. Whilst the rear elevation of No 3 generally faces in a northerly direction, it will receive sun light later in the day, which would be lost if the scheme was to proceed.

13. In respect of the single storey element of the proposal, I do not find that this would cause harm to the living conditions of the occupiers of No 3, due to its design, in particular having a flat roof and full-length glazed panels installed on its side elevations at its furthest projection. I have taken into account Design Note 4 of the SPD that supports a 3-metre projection along the boundary, but whilst I note that the proposal does not fully comply with this guidance I am mindful of the resultant effect of the proposal when compared to the existing conservatory, which I find comparable.
14. For all of these reasons, I therefore conclude that the development would cause significant harm to the living conditions of the occupiers of No 3. This would conflict with the relevant provisions of LP Policy CDMP3. It also fails to accord with the guidance set out in the SPD. Furthermore, the proposal is not consistent with paragraph 127 of the Framework that requires a high standard of amenity for existing and future users.

Character and appearance

15. During my visit I noted that the scheme would not be clearly visible within the street scene due to its location on the rear elevation of the host dwelling. From the vantage points within the street where the proposal would be seen, especially on Normoss Avenue, only limited views of the 2-storey element would be possible.
16. Therefore, I do not consider that the proposal would be particularly visually intrusive in the street scene to have any meaningful effect on the character and appearance of the surrounding area. In any event, I find the proposal would not amount to an excessive addition to the dwelling, and that it would have complementary features to the host dwelling, such as the dual pitched roof on the 2-storey element.
17. For all of these reasons, I therefore conclude that the development would not cause significant harm to the character and appearance of the appeal site and the surrounding area. This would comply with LP Policy CDMP3, which requires all development to be designed to respect or enhance the character of the area, amongst other things. Furthermore, the proposal is consistent with paragraph 127 of the Framework that requires development to be visually attractive as a result of good architecture, and are sympathetic to local character

Other Matters

18. The owner of 40 Normoss Avenue has also expressed a range of concerns on the application including, but not limited to the following: the distance between the dwellings and the appearance of the site. However, I note that these

matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand these concerns, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. I have considered this appeal proposal on its own particular merits and concluded that it would cause harm for the reasons set out above.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

W Johnson

INSPECTOR