



Appeal Decision

Site visit made on 1 August 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/U2370/W/19/3224805

99 Fleetwood Road, Poulton-Le-Fylde, Lancashire FY6 7NU

- 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 Mrs Amy Crook (Little Explorers Nursery) against the decision of Wyre Borough Council.
 - The application Ref 18/01045/FUL, dated 29 October 2018, was refused by notice dated 20 December 2018.
 - The development proposed is conversion of rear first floor flat roof to outside play area for children.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have not included the full description of development from the appellant's planning application form as it makes reference to the proposal being retrospective and that is not in itself development. However, I was able to see on my site visit that the development has been undertaken and therefore I have determined this appeal on the basis that it is a retrospective proposal.
3. Since the Council refused planning permission the Council has adopted the Wyre Local Plan 2019 (LP). The Council has confirmed that as a result, Policy SP14 of the Wyre Borough Local Plan 1999 is no longer in force. Furthermore, the policies of the LP that are referred to in the Council's decision notice, namely CDMP2 and CDMP3, are to be given full weight following the adoption of the plan.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and flood risk.

Reasons

Character and appearance

5. The site is located on a main road close to the edge of the built urban form. The surrounding area is predominantly residential in character with a mixture of house types and sizes. The development is situated to the rear of the property and has been constructed directly above a pre-existing ground floor extension. It is faced with uPVC panels whereas the original building is faced with white render.

6. As the development is located to the rear of the property, only limited views of it are available from Fleetwood Road. Whilst I observed that the elevation that is facing 97 Fleetwood Road currently consists mainly of plyboard or a similar material, the plans submitted show that it is intended that this elevation would have the same finish as the other two elevations of the development. Given that views from Fleetwood Road are limited and obliquely taken, I do not consider that a development finished as shown on the submitted plans would cause any significant harm to the character and appearance of Fleetwood Road.
7. However, I consider that the development has caused significant harm to the character and appearance of the host building and the surrounding area when viewed from the rear of the site and from the adjacent properties, all of which are in residential use. In reaching this judgement I have observed the bulky form of the development, the materials used on the development and its design, all of which contrast with the original building in an incongruous manner. These factors combined have resulted in a development that has a poor visual appearance. There is also a public view of the development available from Avery Gardens and, whilst at the time of my visit this was substantially screened by mature trees, this screening would be reduced when the trees are no longer in leaf, meaning that the visual impact of the development would be increased.
8. I note that the appellant has stated an intention to paint the external facing uPVC panels of the development white to match the colour of the original building. The appellant considers that this would lessen the impact of the development, in particular from views taken from Fleetwood Road and Avery Gardens. Whilst this would reduce the colour contrast between the development and the existing building, it would not satisfactorily address the concerns with regard to the bulky form of the development, the materials used or its design.
9. The appellant has referred to a previously approved development (reference 17/00564/FUL) and provided plans. The plans provided however show a development that is much less bulky and much more visually pleasing than that which is subject of this appeal. Whilst the appellant has made reference to the design of the previously approved proposal not being acceptable from a child safeguarding point of view, the plans provided show that the glass screening would have been obscurely glazed and therefore would not have allowed vision through. The appellant also raises concern with regard to the potential reflection and refraction of sunlight that the glass of the previously approved development could have generated. However, there is no substantive evidence that such an impact would occur and in any instance this factor does not justify a harmful development.
10. I conclude therefore that the development forms an incongruous feature and significantly harms the character and appearance of the host property and the surrounding area. This is contrary to the design aims of Policy CDMP3 of the LP which seeks to protect the character and appearance of the area.

Flood risk

11. The National Planning Policy Framework (The Framework) requires that planning applications for development within Flood Zone 2 be accompanied by a Flood Risk Assessment. No Flood Risk Assessment has been submitted and therefore insufficient information has been provided to demonstrate that the

proposal would not increase flood risk. Therefore it fails comply with Policy CDMP2 of the LP, which seeks to ensure that development does not increase the risk of flooding, and The Framework.

12. I note that the appellant considers that a Flood Risk Assessment should have been requested during the course of the determination of the planning application. However, there is no Flood Risk Assessment before me and therefore I must determine the appeal on that basis.

Other matters

13. The appellant has queried the dimensions referred to in the Council's delegated report. I have however made my assessment of the development based upon the plans submitted and the built form that I observed during my site visit.

Conclusion

14. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR