
Appeal Decision

Site visit made on 3 October 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 11th October 2016

Appeal Ref: APP/P2365/W/16/3155462

16 Brighouse Close, Ormskirk, Lancashire L39 3NB

- 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 John Crompton against the decision of West Lancashire Borough Council.
 - The application Ref 2016/0280/FUL, dated 11 March 2016, was refused by notice dated 13 June 2016.
 - The development proposed is the erection of a 2 bedroom dormer bungalow.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted plan ref: 2353/SS with the appeal. This plan did not form part of the consultation process or the Council's consideration of the application prior to determination. Nevertheless, the Council do not raise objection to the plan forming part of my consideration of this appeal. Given the plan does not alter the development proposed I have taken it into account as part of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) whether the future occupants of the proposed dwelling and the occupants of 16 Brighouse Close would have acceptable living conditions, with regard to the provision of amenity space.

Reasons

Character and Appearance

4. The appeal site lies within a residential area of the market town of Ormskirk. Brighouse Close, Kinloch Way and Rothwell Close contain detached and semi-detached pitched roof bungalows. A number contain flat roof dormers in the front and rear roof planes. Bungalows in Brighouse Close are spaced at regular intervals, with driveways extending from the road to detached garages which are set back from the rear building line of each house. These gaps provide a break between each semi-detached pairing. The appeal site differs, in that the garage is attached to the flank elevation of the dwelling by an infill extension. Each property has a small landscaped front garden. Properties on the eastern side of Brighouse Close have a rear garden of varying size due to a splayed
-

- rear boundary. Adjacent to the appeal site's north eastern boundary are the rear gardens of 13 to 16 Kinloch Way which extend through to Brighthouse Close.
5. The proposal would sub divide the plot into two which involves demolishing the existing garage. This would release some of the existing land and enable the front and rear elevations of the proposed new dwelling to either align with, or to be set back from, the front and rear building lines of adjacent properties. Even so, the proposed dwelling would be sited tight up against both flank boundaries unlike properties in Brighthouse Close. The same issue is replicated by the resultant north eastern flank elevation of No 16. Accordingly, the proposal would fail to reflect the spacious pattern of development found locally.
 6. In terms of the front elevation, I consider the proposal's ridge height and use of a dormer window would integrate with neighbouring bungalows. However, the proposed rear elevation differs considerably. In an area characterised by single storey bungalows with dormer windows set within the roof planes, the high eaves line and the squat flat roof dormer would both appear incongruous and out of kilter with the style and appearance of nearby properties which form part of the distinctive local character. The harmful effect of the proposal would be visible on approach in either direction on Brighthouse Close and intermittently in-between dwellings on Kinloch Way.
 7. Locally, there is some variation in the amount of built development compared to the plot size. As a rule of thumb dwellings in Brighthouse Close which have not been extended occupy roughly 28.5% to 32.3% of the plot, with dwellings in even numbered plots, other than the appeal site, occupying roughly 30% of the plot. Extended properties occupy a higher proportion of the plot which increases the ratio to roughly 36%. The proposed new dwelling and No 16 would occupy roughly 35% of each site. However, as the Council point out an extended dwelling is not directly comparable to the appeal scheme. Moreover, the plot area serving each dwelling would be significantly smaller than the plot area associated with neighbouring properties. Consequently, whilst the appeal scheme draws some comparison to a number of nearby dwellings, in particular those which have been extended, I consider the proposal would not reflect the pattern of development and the plot sizes on the eastern side of Brighthouse Close. Despite the proposal's effort to make efficient use of the land, it would therefore represent an overdevelopment of the site.
 8. I appreciate there is no prescriptive detail of what is overdevelopment in Policy GN3 of the West Lancashire Local Plan (WLLP) and the Council's Supplementary Planning Document Design Guide (SPDDG). However, as paragraph 59 of the National Planning Policy Framework (the Framework) sets out, due regard should be paid to design and in particular the scale and massing of the built form so that developments reflect the local distinctiveness.
 9. I therefore conclude that the proposed development would significantly harm the character and appearance of the area. This is contrary to Policy GN3 of the WLLP, the SPDDG and paragraph 59 of the Framework. These policies, seek to deliver high quality design which responds to the scale, massing and built form that forms part of the areas local distinctiveness.

Living Conditions

10. Bungalows in Brighthouse Close benefit from front and rear gardens. The appeal site differs in that it has a front, side and rear garden. This is as a result of the

site's position at the end of a row of bungalows and the tapered rear boundary that has formed rear gardens of varying depths.

11. The SPDDG seeks a minimum rear garden depth of 10m unless the particular merits of the case, in terms of the character of the setting, can be proved to warrant a reduction. The appellant acknowledges that the proposal would have a rear garden depth, much lower than the 10 metres sought. Nonetheless, many neighbouring rear gardens are also below this figure.
12. In terms of the local context, the proposal remains below the maximum and average depth of rear gardens. The exception is the extended plot of 19 Brighthouse Close, but in this case the rear garden is not uniformly short and as such maintains a maximum depth well beyond that of the appeal scheme. The appellant also considers the usable area of the garden is within the same parameters of neighbouring dwellings. Whilst this is stated by the appellant to be 58m² and comparisons are drawn to Nos 16, 19 and 21 Brighthouse Close, I consider the appeal scheme would provide a much smaller garden area compared to neighbouring gardens. This would exacerbate the existing relatively small rear garden size. As such, I do not consider a further reduction beyond the existing provision is warranted, notwithstanding the relatively small percentage differences. The proposal would therefore not provide a reasonable standard of amenity space for the future occupants of the proposed dwelling and the occupants of No 16.
13. For these reasons, I conclude that the proposed development would adversely harm the living conditions of the future occupants of the proposed dwelling and the occupants of No 16, with regard to the provision of amenity space. This is contrary to Policy GN3 of the WLLP and the SPDDG which seek to ensure dwellings are served by sufficient garden space for the occupants.

Conclusion

14. I recognise that the proposal would deliver an additional house in the borough which would also bring associated social and economic benefits. However, these matters only attract a modest weight given the scale of the contribution and I do not consider they outweigh my findings on the two main issues.
15. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR