
Appeal Decision

Site visit made on 28 November 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 1st December 2016

Appeal Ref: APP/M2325/D/16/3156756

18 Cecil Street, Lytham St Annes FY8 5NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr C and Mrs K McIntyre against the decision of Fylde Borough Council.
 - The application Ref 16/0435, dated 10 June 2016, was refused by notice dated 11 August 2016.
 - The application sought planning permission for a single storey extension and glazed open-sided veranda to rear without complying with a condition attached to planning permission Ref 16/0207, dated 11 May 2016.
 - The condition in dispute is No 2 which states that: "This permission relates to the following plans:
 - Proposed side (south facing) elevation - Dwg No. 15-0970-7(B)
 - Proposed ground floor plan - Dwg No. 15-0970-2(B)
 - Proposed east facing elevation - Dwg No. 15-0970-6(A)
 - Proposed section A-A - Dwg No. 15-0970-8(A)
 - Proposed section B-B - Dwg No. 15-0970-9(A)
 - Proposed section C-C - Dwg No. 15-0970-10(A)
 - Proposed roof plan - Dwg No. 15-0970-3(A)Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings."
 - The reason given for the condition is: "For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework."
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Decision

1. The appeal is allowed in part and planning permission is granted for a single storey extension and glazed open-sided veranda to rear at 18 Cecil Street, Lytham St Annes FY8 5NN in accordance with the application dated 10 June 2016, without compliance with the conditions previously imposed on planning permission 16/0207 dated 11 May 2016 and subject to the following conditions:
 - 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The permission relates to the following plans only in so far as they relate to the proposed veranda, and not to the proposed extension:
 - Proposed ground floor plan - drawing number 15-0970-2(D)
 - Proposed roof plan - drawing number 15-0970-3(C)
 - Proposed rear elevation - drawing number 15-0970-6(C)
 - Proposed side elevation - drawing number 15-0970-7(D)
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Proposed section A-A - drawing number 15-0970-8(B)

Proposed section B-B - drawing number 15-0970-9(B)

Proposed section C-C - drawing number 15-0970-10(B)

Proposed inner rear west facing elevation - drawing number 15-0970-11(A)

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

- 3) Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no development shall take place until samples or full details of all materials to be used on the external surfaces of the extension (including those used in the construction of windows and doors) have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour, finish and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials

Background and Main Issue

2. Permission has been granted, subject to conditions, for a single storey extension and a glazed veranda at the rear of the appeal property. This appeal relates to an application to vary one of the conditions to enable amendments to the plans with which the proposal has to accord. The revised plans would increase the width of the veranda and the length of the extension.
3. The main issue in the appeal is whether the condition is reasonable and necessary in order to protect the living conditions of the occupiers of No 16 Cecil Street with regard to light and outlook.

Reasons

4. The appeal property is a mid-terrace property with a large outrigger offset from the common boundary with No 16. No 16 has a similar outrigger, and as a result the ground floor windows on both the rear elevations of the main house and the side elevation of the outrigger on each dwelling receive limited light, and have a restricted outlook. No 16 currently has an open-sided glazed veranda between the outrigger and the common boundary but the translucent nature of its roof means it does not significantly reduce the amount of light to the ground floor windows on either No 16 or No 18.
5. The scheme that has been approved would create a similar veranda adjacent to the rear elevation of the host property, and then a single storey extension beyond this. The Council has not raised any concerns with the slight increase in the width proposed to the veranda, and I am satisfied that this element would not have an adverse impact on the living conditions of the occupiers of the neighbouring property. As this element could be implemented independently of the extension, I consider it can be allowed on its own.
6. The approved extension would be off-set approximately 400mm from the common boundary, and would extend as far as the outrigger on No 16. It is sought to extend the length of this part of the extension by just over two metres. I accept that the additional length is not in itself substantial, and the distance the extension is from the boundary is not to be altered. Nevertheless, I am in no doubt that the presence of built form of this length, so close to the

boundary with No 16, would have an overbearing impact on the adjoining dwelling. Whilst the orientation of the properties is such that the extension would not impact on the amount of sunlight received, it would have a detrimental impact on the level of daylight, and would create an unneighbourly sense of enclosure to this adjacent property.

7. I accept that No 16 has a garage at the end of its garden that extends the full width of the plot. However, as this is set away from the dwelling it does not have a detrimental impact on the outlook from, or light received by, the windows on either No 18 or No 16, as would be the case with the proposal.
8. By defining the approved plans, the disputed condition ensured the protection of the living conditions of the occupiers of No 16 Cecil Street with regard to outlook and light. Amending the condition as now sought, to include a longer extension, would result in harm to the living conditions, contrary to Policy HL5 of the *Fylde Borough Local Plan As Altered (adopted October 2005)* which requires that house extensions do not unduly impact on the amenity of adjacent and nearby residents. However, as the wider veranda would not have harmful effects, it is reasonable to grant permission subject to the amended condition, but limited to approval only of the veranda. The original form of the extension would continue to benefit from the permission previously granted.
9. In support of the appeal my attention was drawn to other rear extensions in the vicinity which it is stated are larger than that proposed here, and do not always use materials to match the host property. However, I do not have the full details of the circumstances that led to these proposals being considered acceptable, and so cannot be certain that they represent a direct parallel to the appeal proposal, particularly in relation to the impact of the extensions on windows on adjacent properties. In any case I have determined the appeal on its own merits.

Other Matters

10. The appeal property is located within Lytham Conservation Area. Although the proposal would be visible from East Cecil Street, the Council concluded it would preserve the character and appearance of the conservation area. From my own observations, I see no reason to come to a different conclusion in this regard.

Conclusion

11. For the reasons set out above, I conclude the appeal should be allowed insofar as it relates to the veranda. I have therefore granted a new planning permission, with new conditions which indicate that the development should accord with new plans only insofar as they relate to the veranda.

Alison Partington

INSPECTOR