

Appeal Decision

Site visit made on 9 January 2017

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 26th January 2017

Appeal Ref: APP/U2370/D/16/3162463

11 Pennine Gardens, Garstang, Preston, Lancashire PR3 1PT

- 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 Ben Jurin on behalf of Ms R Keeling against the decision of Wyre Borough Council.
 - The application Ref 16/00561/FUL, dated 21 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is a single storey rear and partial side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and partial side extension at 11 Pennine Gardens, Garstang, Preston, Lancashire PR3 1PT in accordance with the terms of the application, Ref 16/00561/FUL, dated 21 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Existing Ground Floor Plan Drawing No 201606 PP.01, Existing Elevations Drawing No 201606 PP.02, Proposed Ground Floor Plan Drawing No 201606 PP.03, Proposed Elevations Drawing No 201606 PP.04 (all dated June 2016) except in respect of the 1m projection of the roof canopy to the rear shown on Drawing Nos. 201606 PP.03 and 201606 PP.04 which shall not be constructed.

Main Issue

2. The main issue is the effect of the single storey rear extension on the living conditions of the occupiers of 9 Pennine Gardens with particular reference to outlook and sunlight.

Reasons

3. The appeal site contains a semi-detached dormer style property. That part of the rear extension close to the common boundary with the adjoining property, No 9 Pennine Gardens, would project out from the rear elevation by about 4.6m. At a height of 3.1m about 1.2m of the timber cladding of the side elevation would be seen above the 1.9m fence through the nearby window serving a small sitting room.
 4. Given the height and projection of the extension there would be some adverse impact on the outlook from the lounge. It would also exacerbate the tunnelling
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effect experienced when looking out of the lounge caused by the presence of the fence and a kitchen extension on No 9. However, the impact could be mitigated by removing the roof canopy part of the extension as put forward by the appellant¹ as this would reduce the depth of the extension to some 3.6m. Taking into account the existing fence height, the modified design would result in the impact on outlook being within acceptable bounds.

5. The rear elevation of Nos. 9 and 11 faces south-west. The extension would be to the south-west of the sitting room on No 9. The sun path analysis carried out by the appellant indicates that the amount of sunlight experienced in the sitting room and part of the garden closest to the house in the morning, at noon and mid-afternoon would not be materially affected by the extension. There would be likely to be some late afternoon overshadowing and loss of summer evening sunlight but this would not be significant in comparison with that caused by the existing fence and eaves overhang. I noted from my site visit that there are dwellings to the west which are already likely to hide the setting sun to an extent.
6. Accordingly I find that the single storey rear extension would have an acceptable impact on the living conditions of the occupiers of 9 Pennine Gardens with particular reference to outlook and sunlight. In arriving at this conclusion I have had regard to the fact that No 9 has an open aspect to the front with the Lancaster Canal lying beyond the estate road. A larger front lounge benefits from this outlook.
7. I find compliance with Policies SP14 and H4 of the Wyre Borough Local Plan as the proposal would meet 'amenity' requirements. With regard to the Supplementary Planning Document 'Extending Your Home' (SPD) the rear extension would exceed the 3m projection set out in 'Design Guidance 4: Single Storey Rear Extensions'. However, I note that the SPD was adopted in 2007 and since that time permitted development rights for householder development have been amended such that it is possible to extend out by 6m to the rear subject to prior approval procedures. This change in regulations reduces the weight that I give to the SPD guidance and provides a realistic fallback position which could have more impact on the neighbours in the event that the appeal was dismissed.
8. The Council raises no concerns about the effect of the extension to the side on the occupants of No 15 Pennine Gardens. Having regard to the position of the proposal relative to the neighbour's garage and the secondary windows in the side elevation I agree that there would be no material impact.
9. For the above reasons the appeal should be allowed. For certainty and to safeguard the living conditions of the adjoining occupiers a condition should be imposed requiring compliance with the plans other than in respect of the exclusion of the rear canopy projection (paragraph 4 refers). Such a condition would not change the substance of the development applied for.

Mark Dakeyne

INSPECTOR

¹ See para 3.10 of the appellant's agent's statement