
Appeal Decision

Site visit made on 24th January 2017

by Jonathan G King BA(Hons) DipTP MRTPI

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

Decision date: 1st February 2017

Appeal Ref: APP/P2365/D/16/3164800

Mayholme, 17 Broadhurst Lane, Wrightington WN6 9RY

- 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 Ian Andrews against the decision of West Lancashire Borough Council.
 - The application Ref 2016/0603/FUL, dated 24th May 2016, was refused by notice dated 20th September 2016.
 - The development proposed is the change of garage roof from built-up flat roof to pitched tiled roof with attic storage
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Decision

1. The appeal is allowed and planning permission is granted for the change of garage roof from a built-up flat roof to a pitched tiled roof with attic storage at Mayholme, 17 Broadhurst Lane, Wrightington WN6 9RY subject to the following conditions:
 - (a) The development hereby permitted shall begin not later than three years from the date of this decision.
 - (b) The development shall be carried out in accordance with the approved plans.
 - (c) The materials, including the rendering to the walls and the roof tiles, shall match those used in the main dwelling.
 - (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, the building shall be used as a garage and for domestic storage only and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.

Procedural matters

2. I visited the appeal property on 24th January, as arranged, but found it property unoccupied. As I was already on the site, I was able to view the garage which is the subject of the appeal. I am satisfied that I was able to see all that was necessary for me to make a properly informed decision, and that no one has been disadvantaged by these circumstances.

3. I have modified the description of the development in my preamble and formal decision in order to make it clear that the roof in question relates to an existing garage.

Main Issues

4. The main issues in this case are the effect of the proposed development on:
 - (a) the character and appearance of the area; and
 - (b) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

5. The garage that is the subject of this appeal is located at the bottom of the back garden of No 17. With untreated blockwork walls and a flat roof, it is not an attractive building. However, owing to its location, it is almost wholly screened in views from the road.
6. At the time of my visit I saw that timbers had been erected to demonstrate the shape and height of the proposed pitched roof; and so I was able to obtain a reasonable indication of its visibility from the road. Although part of the new roof and gable would be visible in a glimpse down the driveway that runs along the side of the house, all that would be seen would be part of a single-storey outbuilding of conventional design, such as one might commonly encounter in a residential area. It would be seen in the context of the house and largely against the background of a tall hedge and a house beyond. In my opinion, the garage would not form a prominent feature in the street scene; and it would have no more than a negligible impact on the character and appearance of the area.
7. By reference to the Council's *Design Guide* Supplementary Planning Document (SPD), the modified building would be respectful of and make a positive contribution to the character of the area, albeit to a limited extent. To my mind, the pitched roof and the proposed rendering to the walls would be an improvement over the existing situation. It would moreover be in keeping with the appearance of the house, which is itself partly rendered. Other references in the SPD identified by the Council relate to extensions to dwellings and so do not apply directly. Insofar as the principles may be applied in the present case, The garage would remain subservient to the dwelling and not be dominant or disproportionate in size to it.
8. I am satisfied that the present proposal conforms to Policy GN3(vi) of the West Lancashire Local Plan (LP) that requires alterations to existing buildings to relate to the building in terms of design and materials. It would not, in the words of the Council officer's report, exacerbate the harm caused to the grain and character of the area. In practical terms there would be little or no such harm.

Living conditions

9. The present garage is partly screened in views from the rear of the neighbouring house (No 15) by another garage and vegetation. As modified, it would doubtless be more visible owing to the doubling of its height to 5.5 metres. But I do not agree with the Council's assessment that it would be

overbearing, particularly as the closest part of the roof would slope away from the boundary. And while there may be some potential for the rearmost part of the garden to lose some sunlight towards the end of the day, I consider that the effect would be limited and of short duration owing to the position of the building relative to the movement of the sun. Partial shading of gardens is a common and generally accepted feature of housing layouts. the effect in this case would not be so severe as to justify refusing permission.

10. The proposal includes a small triangular window in the gable facing the house. It is likely that this would be visible from certain viewpoints at No 15. While I appreciate that this may give rise to some concern regarding the possibility of overlooking, in practice I doubt the likelihood of this happening, as the upper floor of the garage is intended to be used for storage only, and not for occupation. This may be ensured by means of a planning condition.
11. I conclude on this issue that the proposed development would retain reasonable levels of privacy and amenity for the occupiers of the neighbouring property, consistent with LP Policy GN3(iii). Their living conditions would remain acceptable.

Overall conclusion

12. I conclude overall that, by reference to my 2 main issues, the proposed development is acceptable. Consequently the appeal is allowed.

Conditions

13. In addition to the usual conditions concerning the timescale for commencement; the use of matching materials and conformity with the submitted plans, the Council has suggested, for the reason given earlier, that a condition should be imposed requiring the garage to be maintained as such and not be used as living accommodation. I agree that, with some modification to reflect the particular circumstances of the case, all are necessary, and I have imposed them.

Jonathan G King

Inspector