
Appeal Decision

Site visit made on 30 January 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 10th February 2017

Appeal Ref: APP/P2365/W/16/3162936

153 Aughton Street, Ormskirk, Lancashire L39 3LG

- 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 Neil MacFarlane against the decision of West Lancashire Borough Council.
 - The application Ref 2016/0251/FUL, dated 4 March 2016, was refused by notice dated 29 July 2016.
 - The development proposed is alterations and extensions to 'small student HMO' bungalow to form two storey 'larger HMO' with 12 beds.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extension to 'small student HMO' to form two storey 'larger HMO' with 12 beds at 153 Aughton Street, Ormskirk, Lancashire L39 3LG in accordance with the terms of the application, Ref 2016/0251/FUL, dated 4 March 2016, subject to the conditions set out in Annex A.

Application for costs

2. An application for costs was made by Mr Neil MacFarlane against West Lancashire Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in the appeal is the effect of the proposed development on:
 - The living conditions of nearby residents with particular regard to light, sunlight, privacy and outlook; and
 - The character and appearance of the area.

Reasons

Living Conditions

4. The appeal property is a bungalow with an extensive rear garden. To one side lies a pair of semi-detached houses with large outriggers, and to the other lies a short terrace of houses, whose rear elevations face onto Aughton Street. An extension is partially constructed to the side of the bungalow closest to the terrace.
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5. The proposal would involve a number of extensions to the rear elevation of the bungalow that would increase the depth of the building between approximately 1.2m to 3.9 m. The proposal would also increase the height of the roof by about 1.7m. The height to the eaves at the rear, and to the part of the partially constructed side extension nearest to the boundary, would be increased to approximately 4.4m. However, the overall height of the resulting dwelling would still be less than the houses on either side.
6. At its closest point, the appeal property is set just less than 4m from the common boundary with No 155. Apart from a relatively recent single storey residential annexe which lies adjacent to the rear garden of No 153, this property is also set away from the common boundary. The main gable wall of No 155 contains one window at ground floor level that faces towards the site, and this appeared to be a secondary window to the room it served. There were also a number of windows at both first and ground floor on the outrigger, at least some of which appeared to serve habitable rooms. However, these are set further away from the common boundary and the majority of them look towards the rear garden of the appeal property rather than to the dwelling itself.
7. Given the distance that would be maintained between these windows and No 153, and the impact of their own residential annexe on the ground floor windows, I am satisfied that the proposal would not have an overbearing impact on, dominate the outlook from, or lead to a significant loss of light to any of these windows, or the small courtyard that exists between No 155 and its annexe. In addition, given the orientation of the appeal property in relation to these windows, the loss of sunlight to either these windows or the courtyard would be limited, and restricted to early in the morning.
8. The proposal would introduce two windows on the elevation facing towards No 155 which would both serve bedrooms. The 1.8m high fence proposed along the common boundary would prevent any overlooking from the ground floor window, and the first floor window would be obscure glazed and non-opening. As a consequence these windows would not result in any loss of privacy to this adjacent house or its garden.
9. The distance between the proposal and the side elevation of No 5 Town End Close is more limited. The gable elevation of this adjacent property contains two windows. The ground floor window serves a bathroom, whilst the other window is a small window just below the eaves which serves the stairs/landing. As such, neither window serves a habitable room. Given the height of the upper window, and that the ground floor window faces the fence along the common boundary, I am satisfied that the proposal would not unacceptably harm the outlook from, or light to, them.
10. The closest part of the proposed extension at the side of No 153 would project less than 1m beyond the rear elevation of No 5, and the front elevation on this side has a staggered design, so that other parts which project further beyond the rear elevation are set further away from the common boundary, and have a lower height. Given this I am satisfied that the proposal would not create an unneighbourly sense of enclosure to the rear garden, or significantly impact on the outlook from, or light to, any window on the rear elevation.
11. Moreover, given the orientation of the properties the loss of sunlight to the windows on either the side or rear elevation, or the rear garden, caused from

the proposed alterations to the existing dwelling would be minimal, and restricted to the end of the day. Furthermore, as there are no windows proposed on the side elevation facing No 5 there would be no overlooking caused to the house or the garden.

12. The proposal would create a number of first floor windows in the rear elevation. However, the distance that would be maintained to the properties at the rear would be sufficient to ensure there was no loss of privacy to any of these dwellings.
13. Accordingly, I consider that the appeal scheme would not unacceptably harm the living conditions of nearby residents with particular regard to light, sunlight, privacy and outlook. Therefore, in this regard, there would be no conflict with Policy GN3 of the *West Lancashire Local Plan 2012 – 2027 Development Plan Document (adopted October 2013)* (WLLP) which, amongst other things, seeks to ensure that developments retain or create reasonable levels of privacy, amenity and garden space for occupiers of the proposed and neighbouring properties.
14. Concern has been raised regarding the parking proposed in the rear garden of No 153. However, as this would be positioned away from all the surrounding rear gardens, it would be unlikely to cause any significant noise and disturbance to adjacent occupiers. The parking would be accessed using the existing drive at the side of the bungalow, which is adjacent to the boundary with No 155. Given the fence that is proposed along this boundary, any increase in the use of the drive would not cause any significant noise and disturbance for the occupiers of No 155.
15. The proposal would increase the number of occupiers, and as a consequence would result in additional comings and goings. However, there is no evidence to suggest that the double occupancy of rooms would occur as suggested by some local residents. The appeal property is located on a busy road, close to the town centre, and opposite the fire station. Given these locational characteristics the background noise levels in the vicinity are relatively high, and likely to remain so well into the evening. As a result, I am satisfied that any additional noise that may be created from the coming and going of the additional residents, would be unlikely to cause significant harm to the living conditions of other nearby residents.

Character and Appearance

16. The surrounding area is predominantly residential, and consists of dwellings that vary considerably in terms of their, age, type, and design. Given the partially constructed extension at the side, the appeal scheme would not significantly alter the space around the dwelling. In the light of this, and the space that would remain around the dwelling, the resulting property would not appear cramped, or the site over-developed.
17. When seen from the street, the main alteration to the dwelling would be the increase in its height, but as the dwelling is flanked on either side by two storey houses, and the ridge height would be lower than either of these, the proposal would not appear out of keeping. Moreover, as the property is already a HMO, the appeal scheme would not alter the housing mix in the area, so I am not persuaded that it would have a detrimental impact on the character of the area in this respect.

18. Consequently, I consider that the proposal would not have a detrimental impact on the character and appearance of the area. Therefore, in this respect there is no conflict with Policy GN3 of the WLLP which, amongst other things, requires development to have regard to visual amenity and complement, or enhance, the surrounding area.

Other Matters

19. The proposal would provide 6 off-road parking spaces, which the Council have confirmed would meet their parking standards. Furthermore, given the type of accommodation proposed, and its location on a bus route and within walking distance of the town centre, I consider that the scheme is likely to attract people who do not own a car. As such, I am not persuaded that the proposed development would result in a significant increase in the demand for on-street parking in the area.
20. A number of other concerns have been raised regarding highway and pedestrian safety issues that may result from the proposed scheme. However, I note that, subject to conditions, there is no objection to the proposal from the Highways Engineer, and that the scheme would utilise the existing accesses to the site. In the light of this, and observations made during my site visit, I am satisfied that the proposed scheme would not have an unacceptable impact on highway and pedestrian safety in the area. In addition, there are no persuasive reasons to believe that the proposed development would have any detrimental impact on flooding or drainage in the area.
21. I note that the rear garden contained a pond at one stage. However, its removal would not have required any permission. Subject to a condition regarding the landscaping of the site, I am satisfied that the proposal would not have a detrimental impact on wildlife or biodiversity. In addition, there is adequate space on the site for refuse storage.
22. It has been questioned whether there is a need for more student accommodation, but I have not been provided with any firm evidence to show that there is an oversupply of student accommodation in the area. Moreover, there is no persuasive evidence to indicate that the size of the rooms, or the standard of accommodation provided, is not acceptable.
23. I note the concerns regarding the completion of the application form, and the fact that the plans show that the extension at the side is complete when it is still under construction. However, I am satisfied that these matters have not unduly affected the determination of the application or the appeal in any way. In addition, there is no persuasive evidence that the proposal would lead to a loss of property values.

Conclusion and Conditions

24. For the reasons set out above I conclude the appeal should be allowed.
25. In addition to the standard implementation condition, I have imposed conditions specifying the relevant plans, and limiting the occupancy, as this provides certainty. In the interests of the character and appearance of the area, conditions are required to control the external appearance of the building and the landscaping of the site, although I have altered the wording of the suggested landscaping condition to provide clarity and certainty, and to reflect the fact that this is a residential property.

26. In order to protect the living conditions of the occupier of No 155 Aughton Street, conditions are necessary to control the nature of the first floor window facing the property and to ensure the provision of the boundary fence. For reasons of highway safety a condition is required to ensure the provision of the parking/turning areas before the development is first occupied. To ensure the satisfactory drainage of the site it is necessary to control details of the disposal of surface water from the areas of hardstanding.

Alison Partington

INSPECTOR

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No 2161/15/loc; Existing Site Plan Drawing No 2161/15/1a; Proposed Plans and Elevations Drawing No 2161/15/2c; Streetscenes Drawing No 2161/15/3; and 3D Street View – unnumbered.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building. If the applicant or developer has any doubts as to whether the materials do match they should check with the local planning authority before commencement of the building works.
- 4) The property shall be occupied by no more than 12 residents at any one time.
- 5) The screen fence along the side boundary with 155 Aughton Street as shown on Drawing No 2161/15/1a shall be installed prior to the extension and alterations to the existing dwelling hereby permitted being brought into use, and shall be retained as such thereafter for the duration of the development.
- 6) The development hereby permitted shall not be occupied until space has been laid out, and either surfaced or paved, within the site in accordance with Drawing No 2161/15/1a for 6 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear, and that space shall thereafter be kept available at all times for those purposes.
- 7) The proposed hardstanding areas shown on approved Drawing No 2161/15/1a shall be made of a porous material, or provision shall be made to direct run off water from the hard surface to a permeable, or porous area, or surface, within the site boundaries, and shall be retained as such thereafter for the duration of the development.
- 8) Prior to the first occupation of the development hereby permitted the approved first floor window on the western elevation shall be fitted with obscure glass (Pilkington level 3 or equivalent), and shall be non-opening, and shall remain so fitted at all times thereafter for the duration of the development.
- 9) No development shall commence until there shall have been submitted to, and approved in writing by, the local planning authority, a scheme of landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.