
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: 16th February 2017

Appeal Ref: APP/P2365/D/16/3161496

27 Lindley Drive, Parbold WN8 7ED

- 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 Matthew Waugh against the decision of West Lancashire Borough Council.
 - The application Ref 2016/0833/FUL, dated 5th August 2016, was refused by notice dated 26th September 2016.
 - The development proposed is (1) Provision of a first floor extension comprising the raising of the eaves; and (2) a single storey side extension
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - (a) the effect of the proposed development on the character and appearance of the host property and the locality in which it sits; and
 - (b) whether the amount of vehicle parking would be adequate to serve the extended dwelling, having regard to the effect on highway safety.

Procedural Matters

3. The appellant's appeal statement includes a number of amended plans; and he requests that they should form the basis of the determination of the appeal. However, the appeal process is not intended to provide for making modifications to what is proposed. My decision is therefore based on the submitted plans. I address these matters principally under my second main issue.

Reasons

The effect on the property and the area

4. The Council has no objection to the "raising of the eaves" at the back of the property. This kind of modification has been carried out successfully and sympathetically on several similar dormer bungalows nearby. Although the resultant asymmetric roof form would give the sides of the dwelling a slightly awkward profile, these would not be readily visible. I am satisfied that this element of the proposals is acceptable.

5. The house plot, situated facing a turning head, is wider at the rear than at the front, creating a roughly triangular space between the side of the house and the driveway that leads to a detached garage. It is on this area that the single-storey element of the proposed extensions would be built, in the form of a series of stepped elements, so that the rear parts would be wider than the front. The width of the house would be very nearly doubled at the widest point; and its footprint would be increased by something in the region of 60%.
6. I disagree with the Council that the extension would make the resultant house appear cramped on its plot. As it would be single-storey and set well back from the present front of the house, there would be a perception of space between it and the neighbouring dwelling in accordance with the guidance for side extensions contained in the Council's Design Guide Supplementary Planning Guidance (SPD).
7. Even so, an extension of the size proposed requires careful design if it is to be assimilated successfully into the the house, the more so in this case in view of the unusual shape of the plot. Regrettably, the proposed design fails to do that. When viewed from the front, the resultant house would have 4 front-facing walls. This would give it a complex and sprawling form. The complexity and awkwardness would be compounded by there being 3 roof-lines and 3 eaves heights. Indeed, each of the 3 elements of the extension would have different eaves levels. Moreover, the 2 front-facing windows would be of different sizes, proportions and cill heights. Other than using matching materials for the walls and roof, little attempt seems to have been made to create a visually harmonious architectural composition either within the extension or in combination with the house.
8. As is often the case, the submitted elevations may not provide a true indication of how the extension would be seen in reality. For example, the rearward parts may not be as prominent as they look on paper. Nonetheless, I am in no doubt that its appearance would be incongruous. The extent, width, complexity and sprawling nature of the development would severely detract from the relative simplicity of the existing modestly-sized and conventionally-styled house, which would appear over-extended. It is, in short, an inappropriate and unacceptable design.
9. For those reasons, I consider that the extension would fail to meet the criteria of Policy GN3 of the West Lancashire Local Plan that requires all development to be of high quality design, and for extensions to relate to the existing building in terms of design. It would also be at odds with the general thrust of the SPD.
10. The National Planning Policy Framework (NPPF) says that the Government attaches great importance to the design of the built environment. It adds that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

11. Even though much of the side extension would be set back some distance from the front of the property, I believe it would be readily visible from the road, from where its incongruity would be clearly apparent, thereby diminishing the quality of the local environment. With respect to the NPPF, it would fail to reinforce local distinctiveness. It would represent poor design and is unacceptable on that basis. In terms of my issue, I conclude it would adversely affect the character and appearance of both the dwelling and the locality.

Parking

12. There is little doubt that the width of the driveway and consequently access to the garage along it would be restricted by the proposed side extension. The Council has calculated that, at its narrowest, the space would be reduced to just 2.2 metres in width, below its minimum requirement of 2.4 metres; and that this would prevent 3 cars being parked at the property in line with Policy IF2 of the West Lancashire Local Plan, which requires that number for dwellings with 4 or more bedrooms.
13. In response, the appellant has submitted what are described as amended plans showing that a width of 2.4 metres could be maintained over the whole of its length; and has requested that they should form the basis of the determination. Comparing the amended ground floor layout plan with the corresponding application plan, I see that the dimensions of the forwardmost and second elements of the extension have been altered in order to achieve the width of drive that would meet the Council's specifications.
14. As indicated earlier, the appeal process is not intended to be a means of introducing modifications to proposals in an attempt to overcome objections raised at the planning application stage. The recently-published (August 2016) Planning Inspectorate Procedural Guide – *Planning Appeals – England* advises in Annexe M.2.1 that *if an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought*. Annexe M.1.1 states that *if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application*. Having regard to the Procedural Guide, I conclude that I should determine the appeal on the basis of the plans submitted with the application, on which the Council's decision was made.
15. I am satisfied that 2 cars could be parked on the property in the situation shown on the submitted plans, but that access to the garage would be restricted, as would the ability to accommodate other cars on the driveway. It would be contrary to the Council's parking standards, and that could lead to parking taking place on the road, where it could impede the ability of drivers to manoeuvre in the turning head. However, in view of the location, I think it unlikely that any significant harm would be caused to the interests of highway safety, including pedestrian safety. I consider that, taken alone, the lack of compliance with the parking standards is insufficient to justify refusing permission in this case. Nonetheless, the fact that the proposed side extension would diminish the ability of the driveway and the garage to provide off-road parking adds weight to my views expressed earlier in relation to the first issue that the extension would be too large in context.

Other matters

16. The appellant argues that there is a “genuine fall-back position” to which the Council has attached insufficient weight, relating to the extent of the side extension that could be undertaken as Permitted Development (PD). However, he acknowledges that what has been proposed does not fall within the limitations set out in the relevant part of the Town and Country Planning (General Permitted Development) Order. For example, the boot room and the sun lounge / kitchen elements together exceed the limitation on the width of side extensions. In fact, the latter alone would exceed the PD limits, albeit by a fairly small amount. The fact that some of the development, or other forms of development, might qualify as PD, is not, to my mind, relevant.
17. The fact remains that what has been proposed does not qualify as PD. I have therefore considered the proposals on the basis of what has been applied for, not by reference to a hypothetical reduction or alteration to the proposed development or a different form of development altogether. Those alternatives are not before me; and there is no evidence to show that, if the present proposal were not to go ahead, the appellant would carry them out. The “fall-back position” is therefore not a genuine alternative.
18. My attention has been drawn to other properties in the locality, some of which have been extended. I am not aware of the circumstances surrounding the erection of extensions to these properties or the policies against which they were considered. None, so far as I could see, were comparable to the side extension which is the subject of this appeal. None of this information alters the conclusions I have reached on the main issues I have identified.

Overall conclusion

19. For the above reasons, I conclude that the proposed development is unacceptable and consequently the appeal fails.

Jonathan G King

Inspector