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# Appeal Decision

Site visit made on 9 May 2017

**by John Dowsett MA DipURP DipUD MRTPI**

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

**Decision date: 14<sup>th</sup> June 2017**

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**Appeal Ref: APP/F2360/W/17/3168532**

**Rear of 35 Ellen Street, Bamber Bridge PR5 6UN**

- 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 Duncan against the decision of South Ribble Borough Council.
  - The application Ref: 07/2016/1030/FUL, dated 31 October 2016, was refused by notice dated 21 December 2016.
  - The development proposed is the erection of a detached, single storey dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this appeal are:
  - The effect of the proposed development on the character and appearance of the area; and
  - The effect of the proposed development on the living conditions of the occupiers of the existing house at 35 Ellen Street, with particular regard to overbearing.

## Reasons

### *Character and appearance of the area*

3. The appeal site is rectangular in shape and approximately 168 square metres in area, mainly enclosed by a timber fence between concrete posts. It is largely laid to grass, with an area of hardstanding occupying approximately one third of the site. It is located within an estate comprised primarily of mid-Twentieth Century, two storey, houses in either semi-detached format or in short terraces. There are of a small number of more recent insertions, some of which are bungalows, into the built form. However, the majority of the houses in the surrounding area are of a similar age, and common design features such as window shapes and proportions; gable ended roofs with chimneys; the similar overall height and massing of the buildings; and the use of similar materials, give the area a very cohesive appearance.
4. There is some dispute between the parties over whether the appeal site is a garden area or not. Whilst the appeal site is in the same ownership as the adjacent property at 35 Ellen Street, it is separated from it by a fence and

there is no connecting gate. Nevertheless, the appeal site does not have the appearance of a separate plot and at the time of my site visit the land was well maintained. There is no evidence that the land has been legally separated from the curtilage of Number 35 Ellen Street.

5. The appeal site and a number of longer front gardens, formed by the larger set back from the highway of some of the terraced blocks on Kingsway, result in a visual break that creates variety and a sense of openness in the built form along Kingsway. This provides a contrast to the more closely built up form of Ellen Street, Countessway, Queensway and Regentsway. This openness would be eroded by the development of the appeal site.
6. Although there are no strong building lines in the surrounding area, uniform ridge lines and gable ended roofs are a strong feature and characteristic. The appeal proposal is a small bungalow with a hipped roof, which would be located close to the fence separating the appeal site from rear of the house at 35 Ellen Street. Whilst I am mindful of the appellant's point that the building would be modest in size, it would, as a result of this small size and the hipped roof form, be significantly lower than the houses to either side and inconsistent with the prevailing visual character of Kingsway and Ellen Street. This height difference would be emphasised by the proximity to number 35.
7. In addition to this, the proposed bungalow would present its end elevation to street and would have no street frontage, which is also inconsistent with the majority of the surrounding houses which have the elevation containing the principal entrance facing the street. I have noted the appellant's point that the fencing to the site frontage would be retained. However, whilst this would restrict some views of the new dwelling, it would also emphasise the difference in built form as it would still be apparent that there was a house behind the fence and, combined with the proximity of the new dwelling to the rear of 35 Ellen Street would give the development on the appeal site a cramped appearance compared to the surrounding properties.
8. This combination of factors is such that the proposed new dwelling would not integrate well with the existing built form and, consequently, would be harmful to the character and appearance of the area.
9. The appellant has drawn my attention to a number of other bungalows that have been constructed in the surrounding area, particularly that known as The Arches on Kingsway, and I was able to see these when I visited the site. I do not have the full details of the circumstances that led to these proposals being accepted, and so cannot be sure that they represent a direct parallel to the appeal proposal. In the case of The Arches, I saw that this is located much further from the rear of number 40 Ellen Street than the appeal proposal would be from the rear of number 35 and that the orientation and relationship between this bungalow and the flats at 20 and 22 Queensway is also not the same as the relationship of the appeal site to number 1 Kingsway. I also note that the Council state that this site was not previously part of the garden area of number 40 Ellen Street. I therefore do not consider that these developments represent precedents that would justify the appeal proposal. In any event, I have determined the appeal on its own merits.
10. I therefore find that the proposed development would cause harm to the character and appearance of the area. It would be contrary to the relevant requirements of Policy G17 of the South Ribble Local Plan 2015 (the Local Plan)

which seeks to ensure that proposed development is of a high standard of design that does not have an adverse impact on the street scene, and which respects the character of the site and the local area. It would also be inconsistent with the requirements of the National Planning Policy Framework (the Framework), which seeks a high standard of design in all new development.

*Living conditions of the occupiers of the neighbouring property*

11. It is common ground between the parties that the proposed development would not have an adverse effect on the living conditions of the occupiers of number 1 Kingsway or number 33 Ellen Street. From what I have read, and from what I saw when I visited the site, I have no reason to reach a different conclusion.
12. Policy G17 of the Local Plan requires that new development does not have a detrimental impact on neighbouring buildings as a result of its size or location and that it should not cause harm due to overlooking, overshadowing or by having an overbearing effect. The framework also requires that new development provides a good standard of amenity for the current and future occupiers of land and buildings. Currently, the curtilage of number 35 is larger than many in the surrounding area.
13. The Council suggest that the proposal would result in number 35 Ellen Street having no private amenity space. I saw that number 35 has a relatively large front and side garden area. Although this is given over in part to the parking of cars, the area at the side of the house is enclosed by a fence approximately 1.8 metres high and could be used for activities such as sitting out and drying washing. I also note that the appellant states that the current open lean-to structure at the rear of number 35 could be removed to create a space approximately 3.6 metres deep at the rear of the house. Consequently, I do not consider that the proposed development would result in inadequate private amenity space at 35 Ellen Street.
14. This notwithstanding, the proposed new bungalow would be located one metre from the proposed boundary between the appeal site and number 35, and 4.6 metres from the main rear wall of the house. The appeal site is also at a higher level than the rear of number 35. At present the space between the rear elevation of number 35 and the fence dividing it from the appeal site is covered by a lean to structure with a translucent roof. When I visited the site I was able to view this structure from within the main house. I saw that this reduces the amount of light currently received at the ground floor rear of number 35.
15. Although the proposed bungalow has an eaves height of approximately 2.5 metres and an overall height of approximately 3.8 metres, due to the proximity of the proposed bungalow to the boundary of the appeal site and the change in level, the proposed bungalow would further reduce the amount of daylight received in rooms at the ground floor rear of the property. Whilst it would not be directly visible, it would result in an overbearing effect on the ground floor rear of number 35 as a result of this further reduction in daylight.
16. In the event that the lean to structure were to be removed as the appellant suggests, to provide additional external space, this would increase the amount of daylight received in the ground floor rooms at the rear of number 35.

However, the side wall and roof of the proposed bungalow, located only approximately 4.6 metres from the ground floor rear windows of number 35 would still have an overbearing effect as a result of the proximity and change in level.

17. I have been referred by the appellant to a development at 2 Ellen Street where permission has been granted for a garage conversion. Again, I do not have full details of this case and cannot be certain that the circumstances that led to its acceptance are the same as the appeal case. I also was able to see this when I visited the site. The garage is an existing building that is likely to pre-date the more recent bungalows that have been built alongside it, and which has a different relationship to the principal elevations of these bungalows than in the case of the appeal proposal. I therefore do not consider that this is directly comparable to the appeal proposal.
18. I therefore conclude that the proposed development would cause harm to the living conditions of the occupiers of the existing house at 35 Ellen Street, with particular regard to overbearing. It would be contrary to the relevant requirements of Local Plan Policy G17 which seeks to ensure that that new development does not have a detrimental impact on neighbouring buildings as a result of its size or location or cause harm due to having an overbearing effect. It would also be inconsistent with the requirements of the Framework which seeks a good standard of amenity for all occupiers.

### **Other matters**

19. I have had regard to the appellant's point that the proposed development would be at a similar density to other new properties that have been built in the area. Whilst this may be the case, of itself, this would not outweigh the harm to the character and appearance of the area and the living conditions of the occupiers of the neighbouring property.
20. I have also had regard to the reference to Local Plan Policy B1 in respect of undeveloped and unused land, however, this requires that the development is in keeping with the character and appearance of the area.
21. Paragraph 49 of the Framework requires that applications for housing be considered in the context of the presumption in favour of sustainable development. It is not suggested that the Council do not have a deliverable five year supply of housing land, nor is it suggested that the policies in the development plan are out of date, silent or absent. The presumption in favour of sustainable development is, therefore, not engaged and the proposal has to be determined in accordance with the policies in the development plan.
22. There would be some small scale benefits from the proposal in terms of investment in its construction and spending in the local economy by the future residents. There would also be a small benefit in terms of increasing the supply of housing in the local market. As the proposal is only for one house, these benefits would be modest, and none of these factors, either singly or collectively, would outweigh the harm that I have found.

### **Conclusion**

23. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's

Development Plan and there are no material considerations of such weight as to warrant a decision other than in accordance with the Development Plan.

24. I therefore conclude that the appeal should be dismissed.

*John Dowsett*

INSPECTOR