
Appeal Decision

Site visit made on 3 July 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 11th July 2017

Appeal Ref: APP/N2345/W/17/3172659
143A Marsh Lane, Preston PR1 8NL

- 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 Robert Moore (Consolidated African Ventures) against the decision of Preston City Council.
 - The application Ref 06/2016/1106, dated 4 November 2016, was refused by notice dated 10 January 2017.
 - The development proposed is the demolition of the existing detached garage and erection of two storey self-contained apartment.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposed development on the living conditions of nearby residents with particular regard to outlook and light.

Reasons

3. The appeal scheme relates to an existing detached garage located to the rear of a property that has been converted into three flats. It is proposed to demolish the garage, which is in a poor state of repair, and replace it with a two storey building that would provide a 1-bedroomed unit of accommodation.
4. The proposed dwelling would be located approximately 3.7m from the rear elevation of the host property, and as a two storey dwelling would be significantly taller than the existing garage. The rear elevation of the existing house contains a number of windows including one which is the only window serving the living room/kitchen for the ground floor flat. In addition, the elevation of the proposed dwelling facing the host property would contain a window and door on the ground floor.
5. The Residential Extensions and Alterations Supplementary Planning Document (adopted April 2013) indicates that in order to ensure adequate privacy, outlook, and daylight a minimum separation distance of 21m should be maintained between two habitable room windows that face each other. It also states that a minimum of 13m should be maintained where a window in a habitable room faces a blank wall, the height of which exceeds the top of that window. Although the Council have indicated that these distances may be less strictly applied in areas of compact terraced housing such as the

- locality of the appeal site, the separation distances in the proposed development fall significantly below these minimum distances.
6. The proposed ground floor window on the yard elevation would not directly face the window in the ground floor flat in the host property, and as it is one of two windows that serve the combined living/kitchen area, could have obscure glazing to ensure there would be no loss of privacy.
 7. However, although the proposed dwelling may be no closer to the ground floor flat than the existing garage, given the very limited separation distance, and as a result of the significant increase in height, I am in no doubt that the appeal scheme would dominate the outlook from the ground floor window of the flat. It would also lead to an unacceptable loss of light to this room.
 8. The proposed dwelling would be situated on the common boundary with No 93 Bow Lane, and would run the full length of the rear garden of this property. The rear garden is a modest size, and the additional height of the proposed development along the common boundary would create an unneighbourly sense of enclosure to the rear garden. Moreover, given the close proximity of the rear elevation of this house to the common boundary it would also unacceptably harm the outlook from, and light to, the ground floor windows of this property.
 9. Consequently, I consider that the proposed development would have a detrimental impact on the living conditions of nearby residents with particular regard to light and outlook. Therefore it would be contrary to Policy 17 of the *Central Lancashire Core Strategy (adopted July 2012)* and Policies AD1(a) and EN9 of the *Preston Local Plan Site Allocations and Development Management Policies (adopted July 2015)* which seek to ensure a high standard of design in new developments, and that the density and design of developments do not have a detrimental impact on the amenity of existing occupiers.
 10. It is not disputed that the appeal site is close to the city centre, and to a range of public transport. The proposal would also make a small contribution to the housing supply. Whilst these matters favour the proposal they do not outweigh the harm I have identified it would cause.
 11. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR