



Appeal Decision

Site visit made on 22 August 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 15 September 2017

Appeal Ref: APP/M2325/D/17/3176612

45 Westby Street, Lytham St Annes, Lancashire FY8 5JF

- 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 Eaton against the decision of Fylde Borough Council.
 - The application Ref 16/0894, dated 1 November 2016, was refused by notice dated 24 March 2017.
 - The development proposed is first floor rear extension over existing single storey kitchen and sliding/folding doors in rear boundary wall to south Westby Street to allow vehicular parking access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's Reasons for Refusal refer to emerging planning policies ENV5 and GD7 within the Fylde Local Plan to 2032 (Submission Version) (the FLP). The FLP is currently the subject of an Examination in Public. As such, the policies within it cannot be afforded full weight in the determination of this appeal. Having had regard to the FLP policies and the stage which the emerging plan has reached, I have given moderate weight to those policies as material considerations. However, as the FLP policies are not adopted, they are not part of the development plan. Therefore, whilst I have given them due consideration as material considerations, I have determined the appeal principally against the adopted policies within the Fylde Borough Local Plan, as altered (October 2005).

Main Issues

3. The main issues are the effect of the proposed development on the:
 - character and appearance of the surrounding area, including the Lytham Town Centre Conservation Area; and
 - living conditions of neighbouring occupiers, with regard to outlook, daylight and privacy.

Reasons

4. The appeal property is situated within a group of terraced dwellings located between Westby Street and South Westby Street and a significant number of nearby properties have single and two storey rear extensions. There are garden areas to the rear of the properties and beyond these and South Westby Street, there is a public surface-level car park. The proposal also lies within the Lytham Town Centre Conservation Area (CA).

Character and appearance

5. The rear elevation of the appeal property is clearly visible from South Westby Street and the nearby car park. I note that the proposed extension would be of a similar type, scale and design to some which can be seen at other nearby properties, including the two storey extension at a neighbouring property, 43 Westby Street (No.43). These extensions form a strong feature in the local area along the rear elevations of properties on the south side of Westby Street. As a result, the character and appearance of those properties, particularly when viewed from South Westby Street, is now mixed and very different to how they would have appeared originally.
6. Given this change in character and appearance of the properties and the area overall, I find that the proposed extension would not be out of keeping with its surrounding context. It would be of a design, scale and appearance which would be similar to other two storey rear extensions nearby. Furthermore, it would appear subservient and of an appropriate scale and appearance to its host property.
7. The Council argues that the upper portion of the appeal property is considered to be distinctive and would be damaged by the proposed extension. As such, it is stated that the property should be retained as it is. Notwithstanding this, I find the upper portion of the property not to be particularly distinctive in its appearance or character. Therefore, in my view, the proposed extension would have no material harmful effect on the character and appearance of the property, the wider street scene or visual amenity within the surrounding area.
8. However, I now turn to the proposed alterations to, and partial removal of, the rear boundary wall of the property. I note that this part of the proposed development seeks to provide access for parking within the appeal site. Nevertheless, given its prominent and highly visible position on South Westby Street and in the wider street scene, I find that the alteration and removal of this traditionally built wall would be detrimental to that street scene. As a result, it would have a significant harmful impact on the character and appearance of the area, including the CA.
9. I acknowledge the appellant's comment no objection would be raised to this element of the proposal being omitted from any planning permission were it considered to have a harmful impact on the locality. Notwithstanding this, I must assess the proposed development on the same basis as the Council has determined the planning application. Therefore, I have considered the proposal in its entirety and reached my decision accordingly.
10. Having regard to the proposal's location, I must assess whether it would have a detrimental effect on the CA or preserve or enhance its character and appearance. Accordingly, I have carefully considered these matters. As a result, I find it inevitable that the proposal would alter the appearance of the host property and its immediate surroundings. Nonetheless, the proposed extension itself would have only a limited impact on the CA. However, the proposed alteration and removal of the rear boundary wall would have a significant adverse effect on the character and appearance of the CA. The harm caused would be less than substantial. Notwithstanding this, in my view, the proposed development, when considered as a whole, would not preserve or enhance the character and appearance of the CA.
11. Consequently, I conclude that the proposed development would have a significant detrimental impact on the surrounding area and would not preserve the character and appearance of the CA. Therefore, it would be contrary to Policy EP3 of the

Fylde Borough Local Plan as Altered (October 2005) and the relevant sections of the Framework. Amongst other matters, this policy and guidance seeks to ensure that development respects and has regard to the character, appearance and setting of its surroundings, including conservation areas.

Living conditions: outlook, daylight and privacy

12. As a mid-terraced dwelling, the appeal property has neighbours in close proximity on either side. The neighbouring occupiers of No.43 would be the most affected by the proposed development with regard to outlook and daylight. I note that there is a set of glazed doors positioned within the original rear wall of No.43. These doors serve the dining room of the property and are located at ground floor level and are adjacent to the shared boundary with the appeal property.
13. There is a two storey rear extension at No.43 which is similar to the proposal. The side elevation of that extension, facing the appeal property and proposed extension, features a ground floor window for the kitchen and a first floor window serving a bedroom. From my site visit, I saw that these rooms are both served by other windows in the south elevation of the property. The first floor bedroom is, in fact, served by glazed doors and a Juliet balcony. As a result, these rooms have a dual aspect. Therefore, I find that the impact of the proposed extension on outlook from these rooms, particularly the bedroom, would be diminished.
14. Furthermore, I note that the glazed doors serving the dining room provide the only direct source of daylight for the room, as well as the outlook from the room for the occupiers of the property. The doors are located between the two storey extension of No.43 and the existing single storey rear extension of the appeal property. As a result, the dining room currently receives a limited amount of daylight through the doors and has a limited but open outlook.
15. The proposal would increase the height of the existing rear extension at the appeal property along the shared boundary with No.43 to two storeys. This would create a two storey recess between the rear extension of No.43 and the proposed extension. This recess would have a depth of around 5 metres and would be about 2 metres wide. As a result, I find that the proposal would significantly impact the amount of daylight reaching the dining room through the glazed doors which is currently experienced by the occupiers of No.43. Furthermore, the proposed extension would significantly diminish the outlook of the occupiers of No.43 from the dining room and create an unacceptable sense of enclosure.
16. In addition, I note the proximity of the proposed extension to the ground floor doors and windows serving in the dining room and kitchen of No.43. Due to the position and nature of these openings, I find that the impact of the proposal on No.43 and its occupiers with regard to daylight and outlook would be significant.
17. I appreciate that the outlook and, to a limited degree, daylight from the first floor side bedroom window within the rear extension of No.43 would be adversely impacted by the two storey blank elevation of the proposed extension. However, from what I saw, I find that its impact would be diminished by the presence of the glazed doors and Juliet balcony in the south elevation.
18. The Council has indicated that the overlooking of neighbouring properties from the proposed Juliet balcony would be unrestricted and therefore unacceptable. Whilst I acknowledge that other properties, including No.43, have been granted permission for similar proposals, it is noted that approval was granted prior to changes in national and local planning policy and guidance. Accordingly, I have assessed the proposed development on its own individual merits and against the most up-to-date, adopted planning policy and guidance.

19. It is apparent that there would be some overlooking of neighbouring gardens from the proposed extension. However, I note that this would not be significantly greater than that which currently exists through the approved and constructed extensions nearby, include the rear extension at No.43 which overlooks the rear garden of the appeal property amongst others. Whilst overlooking would occur as a result of the proposal, in my view, the harm caused would not be significant given the surrounding context and open aspect of the rear gardens in the surrounding area. Notwithstanding this, given my findings on the other aspects relating to outlook and daylight, whilst not significant, I find that combined with the impact of those other aspects the proposal development would result in some limited harm regarding overlooking.
20. As a result, I find that the proposal would have an adverse impact on the living conditions of the occupiers of No.43 and that existing attributes relating to outlook, daylight and privacy would be materially diminished were the proposed development allowed. Furthermore, I find that such impacts would not be appropriately addressed through the imposition of planning conditions.
21. Consequently, I conclude that the proposed development would have a significant adverse impact on the living conditions of neighbouring occupiers with regard to outlook, daylight and privacy. Therefore, it would be contrary to Policy HL5 of the Fylde Borough Local Plan, as altered (October 2005) and the relevant sections of the Framework. Amongst other matters, this policy and guidance seeks to ensure that development has no material detrimental effect on the living conditions of neighbouring occupiers and uses.

Planning Balance

22. The proposed extension would provide additional accommodation to a property in an established, accessible and sustainable residential area. It would be of a similar design and scale to other extensions which have been constructed nearby. As a result, I find that the visual impact of the proposed extension on the host property and the wider area would not be materially harmful. In addition, in my view, the proposed extension would not have a significant adverse impact on the character and appearance of the CA.
23. Notwithstanding this, the alteration and removal of part of the rear boundary wall would be materially harmful to the local area and the CA. As a result, the proposal would not have a preserving or enhancing effect on the character or appearance of the CA. Accordingly, significant weight is given to this matter. Moreover, the outlook from the glazed doors of the dining room of No.43 and the daylight which the dining room currently receives through those doors would be significantly diminished by the proposed development. This would have a significant harmful effect on the occupiers of No.43. In addition, the proposed extension would have some limited adverse impact on the privacy of neighbouring occupiers. Therefore, having had due regard to all of the above, I find that the benefits of the proposal would not outweigh the significant harm I have identified.

Conclusion

24. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR