
Appeal Decision

Site visit made on 8 July 2019 by Hannah Ellison MSc BSc (Hons)

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/P2365/D/19/3228482

19 Mill Lane, Burscough, Ormskirk, L40 5TJ

- 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 Miss Georgia O'Brien against the decision of West Lancashire Borough Council.
 - The application Ref 2019/0008/FUL, dated 6 January 2019, was refused by notice dated 22 February 2019.
 - The development proposed is a part single part double storey extension to side and rear of dwelling. Amended design to application 2018/1046/FUL.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposal on the living conditions of occupiers at No. 17 Mill Lane, with particular regard to outlook and light.

Reasons

4. The appeal site comprises a two-storey semi-detached dwelling, of similar scale and appearance to adjacent properties. The proposed development would substantially extend the property to the side and rear at ground and first floor level.
5. The rear extension would project into the garden along the shared boundary with No. 17 Mill Lane and would be within close proximity to a kitchen window. The kitchen is considered of sufficient size and layout to accommodate a dining area, thus it is likely occupiers would spend extended amounts of time in this room for reasons other than the preparation of food. Whilst No.17 has an existing single-storey extension which currently reduces the outlook from the kitchen window, the addition of the proposed extension, due to its depth, height and positioning, would create a tunnel effect resulting in an uninviting outlook and oppressive living environment within the kitchen.
6. I have taken into consideration the appellant's point that the additional space provided within the existing extension to No 17, which in itself has an impact

- on outlook from and daylight to the kitchen window, could be seen as off-setting any harm it causes to the living conditions within the kitchen in terms of outlook and light. Be that as it may, I can only deal with the proposal before me on its own merits, in the context of the site as it currently exists.
7. The West Lancashire District Council Supplementary Planning Document, Design Guide, January 2008 (SPD) provides an indication of the appropriate limit for development, beyond which an extension is likely to have an overshadowing effect on the neighbouring property. The proposal would exceed the maximum projections for rear extensions as set out in the SPD and is therefore likely to cause overshadowing. Given the orientation of the buildings, the amount of direct sunlight reaching the rear windows is already limited. The positioning of the proposed extension would further reduce sunlight reaching the kitchen of No.17 as well as adversely affecting daylight.
 8. Consideration has been given to a second window on the west elevation of No.17, also serving the kitchen. It is noted however that due to a two-storey side extension at No.15 the separation distance between these two properties is limited. Therefore, the amount of daylight reaching the kitchen from this window is also limited.
 9. I acknowledge that the first-floor element of the proposal would be set further in from the boundary than the ground-floor element and would have a more limited projection from the rear elevation. Nevertheless, even this part of the extension, which would be sited close to the first-floor bedroom window of the neighbouring property, would exceed the guidelines set out in the SPD. Consequently, with a projection of some 4m, this element of the proposal would also have an overbearing effect on outlook as well as light to the bedroom of the neighbouring property .
 10. Consequently, taking all the above into consideration, the proposed development would harm the living conditions of occupiers at No. 17 Mill Lane, with particular regard to outlook and light and would thereby conflict with Policy GN3 of the West Lancashire Local Plan 2012-2027, Development Plan Document, October 2013, which seeks to ensure developments retain reasonable levels of amenity for neighbouring properties.

Other Matters

11. The occupier at No.17 has raised no objection to the proposed development. However, a lack of opposition for a proposal is not a ground for granting planning permission and does not overcome the issues identified above.
12. The appeal proposal has sought to overcome issues raised in a previously refused application. Nevertheless, this proposal has been determined on its own merits.

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeals Planning Officer

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR