



Appeal Decision

Site visit made on 4 June 2019

by J Williamson BSc (Hons), MPlan, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/A2335/D/19/3226270

8 Wyresdale Gardens, Lancaster LA1 3FA

- 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 Stefan Vogt against the decision of Lancaster City Council.
 - The application Ref 19/00126/FUL, dated 31 January 2019, was refused by notice dated 21 March 2019.
 - The development is described as: Retrospective Planning Application for the retention of an Incidental Outbuilding
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Procedural Matter

I observed that the development described above has already been carried out and I have dealt with the appeal on that basis.

Decision

1. The appeal is allowed. Planning permission is granted for an incidental outbuilding at 8 Wyresdale Gardens, Lancaster, LA1 3FA, in accordance with the terms of the application, Ref 19/00126/FUL, dated 31 January 2019, which included plans 1394.E.1 B, 1394.E.2 A, 1394.E.3 A, 1394.E.4 A, 1394.P.1 B, 1394.P.2 D, 1394.P.3 C, 1394.P.4 D, 1394.P.5 D, and subject to the following condition.
 - 1). The approved outbuilding shall only be used for purposes ancillary to the host dwelling 8 Wyresdale Gardens.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupants of number 6 Wyresdale Gardens, with particular regard to the effect on its rear outdoor space.

Reasons

3. The application site comprises a two-storey detached dwelling located within a residential area, with neighbouring dwellings either side. There is a parkland area beyond the rear boundary. Hard landscaping within the rear garden has created several terraced areas at different levels. The rear garden is enclosed with boundary fencing.
4. The outbuilding is sited in the north western corner of the plot and is 'L-shaped' with 2 flat roofs of differing heights. The highest section is sited adjacent to the boundary with number 6 Wyresdale Gardens. The elevation facing this boundary measures approximately 9.6 m long and 2.5 m high. The building is

positioned approximately 0.5 m from this boundary at its nearest point. The walls are finished with vertical timber cladding and there are glazed doors and/or windows on all the elevations except the one facing the rear garden of number 6.

5. The rear garden level of number 6 is a little lower than that of the appeal site. There is existing boundary treatment between the 2 properties which consists of timber fence panels that vary in height. Measured from the garden level of number 6 the height to the top of the fence panels is approximately 2 m; the outbuilding projects approximately 0.7m above the highest fence panels.
6. Number 6 Wyresdale Gardens has benefited from a single-storey rear extension and 2 outbuildings located in the rear garden, all constructed with timber elevations. The rear extension and one of the outbuildings overlap each end of the appeal outbuilding thereby partially screening it. There are a few ornamental trees and shrubs planted in front of the fence on the boundary with the appeal site, some of which extend above the fence, thereby also partially screening the appeal building.
7. I consider that the combination of the site-specific circumstances described above are factors that result in the outbuilding not having an overbearing impact on the rear outdoor space of number 6. As such I conclude that the outbuilding does not significantly harm the living conditions of the occupants of this property.
8. Policy DM35 of the Local Plan (A Local Plan for Lancaster District 2011-2031, adopted 2014) (the LP) requires, amongst other things, new development not to have a significant detrimental impact on amenity as a result of massing, overshadowing, etc. As I have concluded that the development does not significantly harm the living conditions of the occupants of number 6, I consider the development therefore accords with Policy DM35 of the LP. The development also accords with paragraph 127 of the National Planning Policy Framework, which seeks to achieve a high standard of amenity for existing and future users of land or buildings.

Other Matters and Conditions

9. I have noted the concerns expressed by neighbouring residents and the Council regarding future use of the building. For the avoidance of doubt, I have attached a condition specifying that the outbuilding is only to be used ancillary to the host dwelling, number 8 Wyresdale Gardens. I also note that as planning permission would be required for the building to be used as a separate dwelling or as distinct business premises, it is therefore not necessary to attach a condition of this nature.

Conclusion

10. For the reasons given and subject to the condition above the appeal is allowed.

J Williamson
INSPECTOR