
Appeal Decision

Site visit made on 23 July 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/A2335/D/19/3228811

6 Drewton Avenue, Heysham LA3 1NU

- 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 Mariusz Balcer against the decision of Lancaster City Council.
 - The application Ref 19/00107/FUL, dated 25 January 2019, was refused by notice dated 27 March 2019.
 - The development proposed is the resubmission erection of a single storey side extension and a detached garage, and construction of dormer extensions to the front and both side elevations incorporating a balcony to the front.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed dormer extensions to the front and both side elevations incorporating a balcony to the front.
2. The appeal is allowed insofar as it relates to the erection of a single storey side extension and a detached garage and planning permission is granted for the erection of a single storey side extension and a detached garage at 6 Drewton Avenue, Heysham LA3 1NU in accordance with the terms of the application, Ref 19/00107/FUL, dated 25 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg. No. 1 – North West Elevation; Drg. No. 2 – North East Elevation; Drg. No. 3 – North Elevation; Drg. No. 4 – East Elevation; Drg. No. 5 – West Elevation; Drg. No.6 – Existing and Proposed Floor Plans; Drg. No.7 – Proposed Garage; and Drg. No.8 – Site Plan.
 - 3) The garage hereby permitted shall be used for domestic storage in connection with the dwelling or for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.

Procedural Matter

3. In determining the planning application, the Council have issued a split decision to grant permission for part of the development described as relating to the erection of a single storey side extension and a detached garage. Appeals following split decisions are dealt with under section 78 of the Town and Country Planning Act 1990 (The Act) as being against the refusal of planning permission. In such cases and in accordance with section 79(1)(b) of The Act,

the whole proposal is before me to determine and I am not, therefore, restricted to dealing with only the elements which have concerned the Council.

Main Issues

4. The main issues in this appeal are:

- the effect of the proposals on the character and appearance of the existing building and the surrounding area; and
- the effect of the proposals on the living conditions of the occupants of No 5 Drewton Avenue with particular regard to privacy and outlook.

Reasons

Character and Appearance

5. The appeal site is a semi-detached property located within a predominantly residential area where there is a variety in the style and design of houses and roofs. The appeal property is positioned on an elevated point and is clearly visible as a pair with its attached neighbour within the vicinity.
6. In issuing the split decision approving the single storey side extension and detached garage the Council's decision notice confirms that they are not matters of contention for the main parties. No other party has commented on these aspects of the proposals either. I also consider that they would be an appropriate addition to the house that would not harm the character and appearance of the area. It is evident from the plans that are before me that this aspect of the appeal scheme is clearly severable, both physically and functionally from the proposed dormer extensions, roof alterations and the balcony to the front.
7. This pair of properties has a very distinctive three-dimensional form and the large hipped roof is, in my view, an important component of the building's character. The existing roof of both properties contains dormer windows and rooflights already. However, because of their limited size and design the form and character of the host building's hipped roof is still clearly legible. The proposed dormers would not significantly alter the building's character. In contrast, the proposed alteration from a hipped to a double gabled roof, would add significant bulk to the building's roof and would serve to unbalance the pair of dwellings.
8. I agree with the appellant that when viewed from Drewton Avenue the proposed double pitched gable to the front façade would not significantly detract from the architectural features on that elevation. I also recognise that there are a variety of types of roof form within the immediate area, including examples of balconies and roof terraces. However, the symmetry of this pair of semi-detached dwellings is an important feature which would be visibly lost from a variety of angles due to its elevated position. As such, I consider that the proposed roof alterations would cause harm to the character and appearance of the semi-detached pair and the surrounding area.
9. I note that the appellant has made changes to their scheme following the refusal of an earlier planning application with the view to finding a solution. That said, this does not alter or outweigh my view that the proposed roof alterations would have an unacceptable effect on the character and appearance

of the local area. I therefore conclude that this part of the proposals conflict with Policy DM35: Key Design Principles of A Local Plan for Lancaster District 2011 – 2031 (LP). This policy aims to ensure that development positively contributes to the character of the area through good design and appropriate siting and scale. LP Policy DM35 is consistent with the provisions of the National Planning Policy Framework (the Framework). I therefore conclude that this part of the proposals conflict with paragraphs 127 and 130 of the Framework which broadly seek to secure high quality design.

Living Conditions

10. The proposed erection of a single storey side extension and a detached garage due to their scale, function and location would not result in adverse effects on the living conditions of the occupiers of neighbouring properties.
11. The proposed side dormer windows would allow a similar level of overlooking to that which exists from current windows on the building due to its elevated position. The proposed alterations to the roof form to create the balcony would create an elevated external amenity area where there is none. The proposed balcony would be accessed from bedrooms and would be relatively narrow which would limit its use. Orientated directly facing down Drewton Avenue, the view would include the public realm and mostly front gardens along with wider landscape and coastal views.
12. Some angled views from the proposed balcony would be possible towards the garden of No 5 Drewton Avenue. However, due to the current levels of inter-visibility, I do not consider that the proposals would have a materially greater effect on the privacy of the occupiers of this property. Consequently, whilst I acknowledge that balconies can result in overlooking and a loss of privacy, I consider that in this instance, the proposals would not result in a significantly greater degree of overlooking than currently exists.
13. Concerns have been raised by the Council about the proposal's dominance. However, the proposals would not be, either individually or collectively, significantly more dominant than the existing building. As a result, I do not consider that the proposals would have an overbearing impact that would cause a significant detrimental impact on the living conditions of the occupiers of No 5 Drewton Avenue.
14. For the reasons stated, the proposals would not harm the living conditions of the occupiers of No 5 Drewton Avenue in terms of privacy or outlook. The proposals would not, therefore, be contrary to Policy DM35 of the LP and section 12 of the Framework which amongst other things seek to ensure that developments do not have an unacceptable impact on neighbours.

Conditions

15. In addition to the standard condition concerning the commencement of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
16. The Council's conditions on the split decision included a condition precluding the use of the single storey extension's roof as a roof terrace. I do not consider this to be necessary given that the flat roof component serves a store and has no access to the roof from the house.

17. The Council also included a condition precluding any future change of use of the garage to anything other than a garage/store and specifically excluding any other domestic, trade or business use. The reason given is to safeguard the living conditions of neighbours and ensure adequate parking provision is maintained. Given the location of the garage in close proximity to the neighbouring property I consider a similarly worded condition to be reasonable.

Conclusion

18. Although I have concluded that the proposed roof alterations would not harm the living conditions of the occupiers of No 5 Drewton Avenue, this along with the lack of any objections from interested parties, does not outweigh the unacceptable harm to the character and appearance of the area.
19. Accordingly, for the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the erection of a single storey side extension and a detached garage, but dismissed insofar as it relates to the dormer extensions to the front and both side elevations incorporating a balcony to the front.

Robert Walker

INSPECTOR