



Appeal Decision

Site visit made on 13 August 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

Appeal Ref: APP/P2365/W/19/3226109

Hughes Mushroom Farm, Course Lane, Newburgh WN8 7UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Woodman against the decision of West Lancashire Borough Council.
 - The application Ref 2018/1356/FUL, dated 24 December 2018, was refused by notice dated 13 February 2019.
 - The application sought planning permission for construction of seven residential dwellings following the demolition of the existing commercial premises and a single dwelling without complying with a condition attached to planning permission Ref 2018/0728/FUL, dated 19 October 2018.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out in accordance with details shown on the following plans: -
Plan reference Location Plan 001 received by the Local Planning Authority on 9th July 2018.
Plan reference 201 Rev E, 202 Rev E, 203 Rev E, 204 Rev E, 205 Rev E, 206 Rev F, 207 Rev E received by the Local Planning Authority on 2nd October 2018.
Plan reference Proposed Site Plan 200 Rev E & 211 Rev A received by the Local Planning Authority on 4th October 2018.
Plan reference Landscape General Arrangement 001 Rev C received by the Local Planning Authority on 16th October 2018.
 - The reason given for the condition is: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission has previously been granted for the construction of seven dwellings, including the demolition of commercial premises and an existing dwelling. The appeal proposals seek permission to vary condition 2 of that approval in order to modify the external appearance of the proposed dwellings to add dormers to the front elevations. Three of the dwellings would have two dormers added, and four dwellings would have a single dormer added.
3. At the time of my site visit, the approved dwellings were at various stages of construction, but no works had begun on the amendments sought by this appeal.

4. Therefore, the main issue in this effect of varying the condition on the character and appearance of the area.

Reasons

5. I note from the plans, and saw from my site visit, that all the proposed dormers would face inward toward the central courtyard, and as a result would not affect the existing residents of Course Lane.
6. Policy GN3 of the West Lancashire Local Plan (the LP) states that, amongst other matters, development should be of high quality design that relates to the West Lancashire Design Guide Supplementary Planning Document (the SPD) and have regard to visual amenity through meeting various criteria, including design, scale and detailing.
7. From the evidence in front of me, it is apparent that the dormers subject to this appeal formed part of the design of the properties for the original planning application but were removed from the plans due to objections from the Council, in order to facilitate a positive recommendation. It is therefore apparent that the dormers are not extensions to the dwellings but were designed as part of the original dwellings.
8. The site lies beyond existing dwellings on Course Lane, which have a mix of architectural styles and designs and the area is semi-rural in character. The approved dwellings are of a modern design.
9. The introduction of the dormers, with flat roofs, a box shaped design and generous amounts of glazing, would not be a traditional feature in the locality and would appear strident and incongruous when seen in the context of the dwellings as approved. The dormers would become the dominant feature on the elevations, and unbalance the overall design aesthetics of the properties, and as a result, I find that the proposals would cause harm to the character and appearance of the area. The proposals would fail to have sufficient regard to visual amenity, and would not complement the attributes of the wider development.
10. The appellant has brought to my attention other examples of dormers that have been permitted. However, I am not in possession of full details of any such permissions, so I cannot draw any comparisons. Nonetheless, I have dealt with the proposal on its own merits.
11. I therefore conclude that Condition 2 is reasonable and necessary in its current form in order to protect the character and appearance of the area. There would be conflict with policy GN3 of the LP, reinforced by the SPD in relation to high quality design. The condition was also drafted in a precise manner and is enforceable. The condition was reasonably imposed and is consistent in respect of guidance in the Framework.

Conclusion

12. For the reasons given, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR