



Appeal Decision

Site visit made on 15 July 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2019

Appeal Ref: APP/M2325/D/19/3226533

70 Commonsides, Lytham St Annes, Lancashire FY8 4DJ

- 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 Steven Tye against the decision of Fylde Borough Council.
 - The application Ref 18/0459, dated 14 June 2018, was refused by notice dated 4 February 2019.
 - The development proposed is the demolition of an existing single storey utility building and construction of a single storey kitchen and WC.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing single storey utility building and construction of a single storey kitchen and WC at 70 Commonsides, Lytham St Annes, Lancashire FY8 4DJ in accordance with the terms of the application, Ref 18/0459, dated 14 June 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Site Plan (Drawing No 133-PL-06), Proposed Elevations (Drawing No 133-PL-03 Rev A) and Proposed Part Ground Floor Plan (Drawing No 133-PL-04).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 February 2019 and this post-dates the Council's refusal notice. I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced either party.
3. This appeal under section 78 of the Town and Country Planning Act 1990 does not convey any consent which may be required pursuant to sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

4. The main issues are (1) the effect of the proposed development on the living conditions of the neighbours at 72 Commonsides with regard to outlook and light, and (2) the effect of the proposed development on the special architectural and historic interest of the listed building.

Reasons

Living Conditions

5. There is an existing single storey lean-to extension to the rear of the appeal property which covers about half of its rear elevation. The proposal would see this removed and replaced with a single storey extension with a dual pitch roof and a rearward projection of approximately 5.6 metres and covering just over half the rear elevation of the host property.
6. The Council are concerned that the extension would conflict with the guidance contained within Design Note 4 of their Extending Your Home Supplementary Planning Document (the SPD). This suggests that single storey rear extensions that are to be set off a boundary shall not project more than the set off distance plus 3 metres from the main rear wall of the adjoining neighbouring property. This aims to protect neighbours from any harmful loss of outlook, overshadowing, overlooking or overbearing effects.
7. They consider that the rearward projection of the proposed extension would breach the SPD guidance by approximately 800mm and in doing so would cause undue massing and overbearing impacts to the occupiers of the neighbouring property at 72 Commonsides. The occupier of that property and several objectors have also raised concerns with the proposal suggesting that its increased length, width and pitched roof would reduce light into the ground floor rear facing windows and would have an adverse overpowering and claustrophobic effect. They are also concerned with a loss of sunlight to the rear yard area of this neighbouring property where the occupants dry washing and grow plants.
8. During my site visit I was able to view the appeal site from No 72 and was therefore able to consider the effect of the proposal from the existing rear facing windows of that property and from within its rear yard area. Whilst the appeal proposal would introduce a rear extension with greater massing and depth that would technically breach the SPD guidance, this would not have significant enclosing or shading effect to the rear of No 72 given the marginal increase in massing and adequate separation distance off the boundary. Furthermore, the rear yard area of No 72 is southwest facing and therefore any additional shadowing as a result of the proposal would be limited only to the morning period of each day. I accept that there is likely to be a slight reduction in outlook from the rear facing living room window of No 72, however, this would be minimal. There would be no loss of outlook or loss of light to the kitchen window.
9. Assessing the scheme against the existing and proposed site conditions shows that the proposal would not have an adverse effect on the living conditions of the neighbouring occupiers at 72 Commonsides with regard to outlook and light. Thus, despite a technical breach of the guidance set out in the SPD the proposal would still accord with the overall amenity protection and design aims

of Policy GD7 of the Fylde Local Plan. Therefore, the proposal also complies with paragraph 127 of the Framework which, amongst other things, seeks to ensure high standards of amenity.

Effect on the Listed Building

10. The appeal property forms part of a terraced row of 8 cottages which is a Grade II listed building (recorded as 62-74 Tambourine Cottages on the statutory list). While the effect of the proposed development on the listed building is not in dispute, I am mindful of my statutory duties in this regard.
11. From the evidence before me, including the listing description, the submitted heritage statement and my own observations, I consider that the significance of the listed building is largely derived from its age, form and fabric. A distinct feature being its cobble elevations intermittently laced by a course of red brick and flanked by red brick quoins. Its significance is also gained from its group value with the entire terrace which forms a neat symmetrical block centred with a full-height two storey gabled porch shared by No's 66 and 68.
12. The proposed development would replace a 1980s lean-to style extension with a more appropriate form of development with a pitched roof and better matching brickwork. This would be an appropriate addition to the property that due to its limited scale and sympathetic design would not cause harm to the special interest and significance of the listed building.
13. Consequently, I am satisfied that the proposed development would appropriately preserve the listed building and its features of special architectural and historical interest. As such, the proposed development would not harm the significance of the designated heritage asset and would therefore be in accordance with Policy ENV5 of the Fylde Local Plan which seeks to conserve and appropriately enhance listed buildings. The proposal is therefore also compliant with the Framework and the requirement set out at section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which together seek to conserve heritage assets in a manner appropriate to their significance and preserve any features of special architectural or historic interest.

Other Matters

14. Objectors make reference to limitations placed on the extent of the existing rear extension at No 72 when it was granted planning permission and subsequently constructed in the 1980s. However, this is not a reason to withhold consent for the appeal proposal which has instead been considered on its own merits and in light of current planning policy.

Conclusion

15. For the reasons I have set out, subject to conditions required to provide certainty and to safeguard the character and appearance of the listed building, the appeal is allowed.

Jeff Tweddle

INSPECTOR