



Appeal Decision

Site visit made on 23 July 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2019

Appeal Ref: APP/P2365/W/19/3224317

Trafalgar House, 52 Long Lane, Aughton, Ormskirk, West Lancashire, L39 5AT

- 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 Ms Jackie Rogers against the decision of West Lancashire Borough Council.
 - The application Ref 2018/1083/FUL, dated 15 October 2018, was refused by notice dated 21 December 2018.
 - The development proposed is the removal of existing wooden play area and erection of wooden summer house to be built in the side garden measuring 5830mm x 5660mm x 2400mm (lowest point of roof) to 2540mm (highest point of roof). (retrospective). Installation of fast growing hedge along the Prescott Road/ Long Lane boundary.
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Decision

1. The appeal is allowed, and planning permission is granted for the removal of existing wooden play area and erection of wooden summer house to be built in the side garden measuring 5830mm x 5660mm x 2400mm (lowest point of roof) to 2540mm (highest point of roof). (retrospective). Installation of fast growing hedge along the Prescott Road/ Long Lane boundary. at Trafalgar House, 52 Long Lane, Aughton, Ormskirk, West Lancashire, L39 5AT in accordance with the terms of the application, Ref 2018/1083/FUL, dated 15 October 2018, subject to the following conditions:
 - 1) The development hereby approved shall be carried out in accordance with the details shown on Plan No. AH2018/1001A received by the local planning authority on the 8 November 2018.
 - 2) The temporary fencing erected on the site along the eastern and northern boundaries shall remain in place until the boundary hedge planted has attained a height of 3 metres. The height of the hedge shall then be maintained at 3 metres or higher for the duration of the building hereby approved.

Preliminary matters

2. There was no date entered on the planning application form, so I have taken the date of receipt on the decision notice as the date of the application. I have also taken the description of the development from the decision notice as this more succinctly describes the development.

3. The appellant originally submitted the application under a Householder planning application but was asked to change it to a full planning application by the Council as the appellant indicated that the summer house would be used '*for family and the homeowners child minding business*'. I therefore consider the appeal as a full planning application.
4. The appellant advances a case that the development is permitted development under Class E of Part 1 of Schedule 2 of the 2015 GPDO as amended. The Council disagree with this and, as a result of the development already being in place, have produced evidence on the height of the building to show that it would not satisfy the requirements of Class E of Part 1 of Schedule 2 of the GPDO. The appellant could have submitted a Certificate of Lawfulness application but have not done so. It is not for me to rule on this in my consideration of this appeal that I must determine on the facts before me. The application was retrospective.

Main Issue

5. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site is a corner plot at the junction of Long Lane and Prescott Road occupied by a detached dormer bungalow that has its main frontage on to Long Lane with the side garden of the property facing Prescott Road. The summer house is proposed in the side garden area adjacent to Prescott Road.
7. There is a degree of screening along the Prescott Road boundary from trees covered by a tree preservation order. Whilst this would provide screening of the site when the trees were in leaf, it would leave the site open to view when the trees were leafless. On my site visit I noticed that the appellant had erected a temporary 'false' screen on the boundary, with images of leaves on it, to show how the building could be screened. I also noted that a hedge had been planted behind it. Whilst this was an artificial screen, it was helpful in showing how much of the building would be visible from public view. It would be a limited view of the top part of the building.
8. Whilst the new hedge that has been planted would take some time to grow, the temporary screen could remain until such time as the hedge matured. This could be secured by way of an appropriately worded planning condition. As such public views of the proposed summer house would be limited. Therefore, I do not consider that it would be unduly dominant when viewed from these public viewpoints to cause harm to the character and appearance of the area.
9. I note the planning history of the site and that the Council refused planning permission in 2003 for a conservatory on the side of the property facing Prescott Road because it was considered as an incongruous feature that would not harmonise with the host building. This was for an extension to the existing dwelling that raised design issues. I do not see this as being comparable with the appeal proposal and afford it little weight in my consideration.
10. Taking the above into account I conclude that the scale and location of the proposed summer house to be appropriate in relation to the host dwelling and that satisfactory boundary screening could be provided to limit any visual impact on the character and appearance of the area. Consequently, it would

not conflict with Policy GN3 in the adopted West Lancashire Local Plan and guidance in the Council's Supplementary Document Design Guide (2008) that, amongst other things, require development to be of a high quality of design and materials that integrate well with its surroundings and respect their setting. The summer house would be of an appropriate scale in relation to the host building and would have a timber facing, appropriate for an ancillary building within a domestic curtilage in this location.

Other matters

11. I note the concern from the occupiers of 144 Prescott Road about the use of the building in connection with the appellant's child minding business and the potential for any associated noise to impact on their living conditions. From my site visit I saw that the rear of the proposed summer house would adjoin the side boundary of 144 Prescott Road and be located adjacent to the front area of that property. Given this, I do not consider that its location and use would unduly harm the living conditions of the occupiers of 144 Prescott Road.

Conditions

12. I consider that conditions are required to ensure that the development is carried out in accordance with the approved plans to provide certainty and in the interests of visual amenity, and a condition requiring retention of the temporary screening until the new hedge that has been planted reaches an appropriate height and is thereafter retained in the interests of visual amenity.

Conclusion

13. For the above reasons I allow the appeal.

David Storrie

INSPECTOR