
Appeal Decision

Site visit made on 15 May 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2020

Appeal Ref: APP/P2365/W/20/3244431
70 Moss Lane, Hesketh Bank, PR4 6AB

- 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 Adam Ferris of Property Development and Consultancy Ltd against the decision of West Lancashire Borough Council.
 - The application Ref 2019/0154/FUL, dated 21 February 2019, was refused by notice dated 17 July 2019.
 - The development proposed is a detached 2 bed dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised plan was submitted with the appeal that proposed the removal of a side facing bedroom window, a reduction in the ridge height of the dwelling, and changes to the eave heights. The Council has had the opportunity to comment on this plan through the appeal process, and I do not consider that any other party would be prejudiced by my acceptance of it. I have therefore determined the appeal based on the revised plan.

Application for Costs

3. An application for costs was made by Mr Adam Ferris of Property Development and Consultancy Ltd against West Lancashire Borough Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, the living conditions of the occupiers of No 68 Moss Lane with regard to outlook and overshadowing.

Reasons

Character and appearance

5. The appeal site consists of an area of open land to the rear of No 70 Moss Lane. It fronts directly onto Granville Avenue and adjoins existing back gardens to the south and east.

6. There is some variation in the design and type of properties along Granville Avenue. However, the properties closest to the appeal site consist of bungalows on this side of the road, with detached and semi-detached houses opposite. These properties are set back from the road and are characterised by attractive front garden areas. According to the Council, the existing houses are set back by at least 4.93 metres from the road, which is not disputed by the appellant. In contrast, the proposed dwelling would be set back by just 2.6 metres and would jut out significantly beyond the adjoining property at No 2. This would result in an awkward and unduly prominent appearance and the asymmetric side gable would be clearly visible in longer views along the street. The proposed frontage to the dwelling would also be significantly wider than the surrounding properties, which would further add to the dwelling's incongruous appearance. In combination, these features would result in a development that would be harmfully out of keeping with the street.
7. My attention has been drawn to other nearby dwellings that are positioned to the rear of existing properties. However, those developments have a backland character and do not front directly onto either Granville Avenue or Moss Lane. They are therefore not directly comparable to the current appeal proposal.
8. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policy GN3 of the West Lancashire Local Plan (2013) and guidance contained in the Supplementary Planning Document (SPD) Design Guide (2008). This policy and guidance seek to ensure, amongst other things, that new development is of high quality design and has regard to the local townscape.

Living conditions

9. The proposed dwelling would be positioned around 1.2 metres from the rear boundary with No 68 Moss Lane. It would be over 12 metres in width and its rear eaves and ridge would protrude significantly above the existing boundary fence/hedge. In this regard, it would be an imposing presence along the boundary that would partially enclose the back garden to No 68 along one side. This would have a significant overbearing effect that would create a harmful sense of enclosure to users of the garden area. Given its position to the west of that garden, the development would also result in overshadowing for part of the day. Whilst it would be located away from habitable room windows in No 68, it would nevertheless have a significant effect on the enjoyment of the garden area in my view.
10. Separately, the revised plan has removed the bedroom window facing towards No 2 Granville Avenue. Accordingly, there would be no direct overlooking of that property. The proposed dwelling would also be set in significantly from the boundary with No 2. However, that does not alter my concerns in relation to No 68 Moss Lane.
11. For the above reasons, I conclude that the development would significantly harm the living conditions of the occupiers of No 68 Moss Lane with regard to loss of outlook and overshadowing. It would therefore be contrary to Policy GN3 of the West Lancashire Local Plan (2013) and guidance contained in the SPD Design Guide (2008). This policy and guidance seek to ensure, amongst other things, that new development retains reasonable levels of amenity for neighbouring occupiers.

Conclusion

12. As set out above, I conclude that the development would significantly harm the character and appearance of the area and the living conditions of neighbouring occupiers. Whilst it would provide a new dwelling in the existing built up area, and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR