
Appeal Decision

Site visit made on 23 June 2020

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/F2360/W/19/3236657

25 Turpin Green Lane, Leyland PR25 3HA

- 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 S Porter against the decision of South Ribble Borough Council.
 - The application Ref 07/2019/5054/FUL, dated 30 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is a two-storey rear extension to increase commercial floor area including division into 2no A1 retail units at ground floor and 1no new one-bedroomed apartment at first floor, following demolition of existing single storey extension to rear.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey rear extension to increase commercial floor area including division into 2no A1 retail units at ground floor and 1no new one-bedroomed apartment at first floor, following demolition of existing single storey extension to rear, at 25 Turpin Green Lane, Leyland PR25 3HA in accordance with the terms of the application, Ref 07/2019/5054/FUL, dated 30 May 2019, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of 27 Turpin Green Lane, with particular regard to outlook and privacy.

Reasons

3. The appeal site is a two-storey, mid-terrace building with rear garden to the north-east, located within a wider area of mixed-use characteristic. The effect of the proposal would be to introduce a two-storey extension across almost the full width of the rear garden, close to the boundary with No 27.
4. The proposed extension is unlikely to be seen from the accommodation of No 27, but would be visible from the rear garden. However, the proposed extension would not be as deep as the existing single-storey rear extension at No 27 and the proposed eaves line would also be lower than existing, as part of a low-profile roof form. Therefore, in terms of massing the proposal would read as being subservient to the host property. Despite proximity of the proposed extension to the boundary, only a relatively small part of the side elevation

- would be seen above the existing extension at No 27. Furthermore, the location of the existing extension at No 27 ensures that the proposed extension does not breach the 45-degree guidance contained within the Residential Extensions Supplementary Planning Document (2013)(SPD). Overall, the proposal would not have such an overbearing effect that it would harm the outlook from No 27.
5. In terms of privacy, the views from the existing first-floor windows at the appeal site towards No 27 are limited to a small section of the northern corner of the garden. The siting and design of the proposed vertical slot windows, along with their positioning within the proposed bedroom and lounge, would create an even more acute viewing angle than existing. As such although any overlooking from these rooms would be possible, I find that it would be significantly restricted, notwithstanding any 45-degree assessment. Overall, the proposal would not worsen the existing scenario and would not reduce the level of privacy for the occupants of No 27.
 6. It is suggested that the reduction from a previously dismissed scheme¹ is only very slight. However, submissions suggest a reduction in height, depth and roof-massing as well as change to the fenestration arrangement on the rear elevation. Consequently, although I do not have full details of that earlier scheme, the current proposal can be distinguished from it. I conclude that the proposed development would not have an adverse effect on the living conditions of the occupants of No 27, with particular regard to outlook and privacy. As such, the proposal complies with policy G17 of the South Ribble Local Plan (2015) which states that developments should not cause harm by undue overlooking or overbearing effects.

Other matters

7. Loss of light to the rear rooflight at No 27, and any overshadowing, would be minimal given that the proposed extension would be located to the north of No 27. The proposed rear windows would be less than 10 metres from the facing boundary. Whilst the SPD indicates such windows should maintain this minimum distance, this is not a matter of dispute between the parties and, furthermore, the proposal would not cause any harm to use of the car parking area serving these office premises. Parking and air quality are not disputed by the Council and, given the relatively low intensification of use proposed along this main route into Leyland, with easy access to public transport and parking, despite on-road parking restrictions in the immediate vicinity, I see no evidence to persuade me otherwise. Illegal parking is not a planning matter.
8. The refusal of permission for change of use in 1985 would have related to a different policy framework, but I am required to assess the current proposal against current policy. I have taken into account the specific personal circumstances raised in representations; however these do not outweigh my above findings. That neighbours did not expect future development at the appeal site when purchasing their property is not within my remit in determining this s78 appeal. It would not be reasonable to restrict parking by builders during the construction phase, as this would be temporary. Similarly, requiring noise mitigation between existing adjacent properties, or restricting use and operating hours, would not be reasonable given that commercial use at the appeal site is already established, and no evidence has been provided to me of any existing restrictions.

¹ Appeal decision APP/F2360/W/18/3214100

Conditions and conclusion

9. A condition defining the plans is necessary in the interests of certainty. Conditions relating to construction, delivery hours, and refuse storage are required to protect living conditions. Noise mitigation is also necessary to protect future living conditions within the new residential unit, notwithstanding my above findings in respect of existing residences. Cycle storage is required to enable sustainable transport choices. No evidence has been submitted of a specific policy basis for the suggested Dust Management Plan condition; and there is nothing before me to indicate that this is necessary or proportionate to a development of this scale. Minor amendments have also been made to the wording of some conditions for clarity and to ensure accordance with the tests set out in paragraph 55 of the National Planning Policy Framework.
10. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Patrick Hanna

INSPECTOR

Schedule of 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: A3Sh4 (Proposed Site); A3Sh5 (Proposed Floors); and A3Sh6 (Proposed Elevations).
- 3) Site preparation or construction works shall take place only between 0800 and 1800 on Monday to Friday, 0900 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 4) Deliveries shall be taken at or despatched from the retail units hereby permitted only between 0800 and 2000 on Monday to Saturday, and not at any time on Sundays or on Bank or Public Holidays.
- 5) No above-ground construction works in respect of the extension hereby permitted shall take place until a scheme for protecting the new dwelling hereby permitted (shown as AP2 on proposed plan A3Sh5) from noise from the retail units hereby permitted shall have been submitted to and approved in writing by the local planning authority. As a minimum the scheme shall achieve impact sound <60L'nT,w dB and airborne sound >50 DnT,w+Ctr dB. All works which form part of the scheme shall be completed before the dwelling is occupied and retained thereafter.
- 6) Details of facilities for the storage of refuse and waste shall be submitted to and approved in writing by the local planning authority before occupation of any part of the development hereby permitted. Development shall be carried out in accordance with the approved details and retained thereafter.
- 7) Details of secure cycle storage facilities shall be submitted to and approved in writing by the local planning authority before occupation of any part of the development hereby permitted. Development shall be carried out in accordance with the approved details and retained thereafter.

End of Schedule