



Appeal Decision

Site visit made on 15 June 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2020

Appeal Ref: APP/P2365/D/20/3248677

33 Martin Lane, Burscough L40 0RT

- 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 and Mrs Marcus Keane against the decision of West Lancashire Borough Council.
 - The application Ref 2019/1131/FUL, dated 5 November 2019, was refused by notice dated 21 January 2020.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appeal site lies within the Green Belt. However, it is agreed between the parties that the proposal would not represent inappropriate development in the Green Belt. I have no reason to conclude otherwise.

Main Issue

4. The main issues are the effect of the development on (i) the character and appearance of the host dwelling and surrounding area; and (ii) the living conditions of neighbouring residents at 39 Martin Lane with particular regard to privacy.

Reasons for the Recommendation

Character and appearance

5. The appeal site is located on the western side of Martin Lane and comprises a two storey semi-detached dwelling with rear extension and detached garage. While the eastern side of Martin Lane is characterised by its rural nature with open fields, the appeal site forms part of a row of dwellings of varying scales and styles.
6. The proposed development relates to a two storey side extension, with a balcony on the first floor rear elevation. It would involve the application of a cork render finish to the existing and new masonry at the property, as well as the replacement of the existing windows and roof tiles, to ensure a consistent

and coherent style existed between the current property and the extension. However, the dormer style front pikes to be installed along the front elevation of the proposal would go some way to reducing this consistency in appearance. This would introduce a feature that is not currently present at the property and would be particularly noticeable as a later addition that does not match the simple roof profile of the existing property. Furthermore, the addition of the side extension would alter the simple shape of the building and would represent a considerable increase to the property, built up to the boundary line. As a result, the extended dwelling would dominate the plot, particularly when viewed from Martin Lane. In addition, I agree with the Council that the proportions of the extension would appear somewhat squashed in comparison to those of the main house on account of the shallow roof pitch and the considerable differential between the height of the original and proposed roofs.

7. I recognise that the low roof and uncharacteristic dormer windows have arisen out of an attempt to keep the scale of the property within acceptable size limits, having regard to the limitations on extensions within the Green Belt. However, the result would be an extension with a somewhat contrived appearance and of the resulting built form and dimensions that would not respect the scale or massing of the existing property.
8. Although there is a high level of variety in the styles of property present along Martin Lane, the appeal site is experienced as a semi-detached dwelling in the context of the neighbouring property at No. 31. Despite the difference in design between the two properties, and the presence of the garage at the appeal site, a clear symmetry exists in terms of scale and form when viewed from the street. The proposal would serve to unbalance this similarity, resulting in the appeal property seeming disproportionately altered and the side extension appearing as an awkward and out of place addition in the streetscape.
9. The West Lancashire District Council Supplementary Planning Document Design Guide January 2008 (the SPD) contains guiding principles for extensions. These state that extensions measured in length or width should generally not exceed two thirds of the corresponding dimension of the existing property. For side extensions, the SPD states that these should largely appear subservient in scale to the existing dwelling and incorporate a roof and eaves level which is lower in height. While the proposal does incorporate a lower roof height, its width would be greater than two thirds of the existing property. It is acknowledged that the SPD represents guidance rather than policy. Nonetheless, the dimensions of the proposal, which would add an additional 4.5 metres to the current 5.4 metres width, would be disproportionate to the existing property.
10. For all of those reasons I find that the development would have a significantly adverse visual effect on the character and appearance of the host building and the surrounding area. Accordingly, it would fail to comply with Policy GN3 of the West Lancashire Local Plan 2012 - 2027 Development Plan Document, October 2013 and the SPD.

Living Conditions

11. The proposal would introduce a balcony on the first floor rear elevation of the property, positioned close to the side boundary of the appeal site. An access track

runs between this boundary and that of No. 39, separated from both properties by fencing. The property at No. 39 is positioned at an angle to the appeal property and benefits from a conservatory along the side elevation closest to the appeal site in addition to long gardens to the rear and various outbuildings.

12. Due to the elevated nature of the balcony above the boundary fences, and the angled positioning of the properties, clear views would be available into the conservatory at No. 39. Furthermore, while partial screening would be provided by the outbuildings present, direct views into parts of the large rear garden space would also be possible. This would result in a significant level of overlooking and loss of privacy to the occupiers of that property. I recognise that oblique views into the neighbouring property may be available from existing rear windows. However, the proposed balcony would be closer to the neighbouring property and the impact of a balcony would be greater than occasional views from an upper bedroom window. Views from windows are likely to be occasional and fleeting whereas a balcony is designed to be sat on, potentially for lengthy periods of time. That would give rise to overlooking and an increased sense of being overlooked for neighbouring residents who would be able to see people sat on the structure.
13. It is acknowledged that the current occupiers of No. 39 are members of the appellant's family and have no objection to the proposal. However, that situation may not continue in future and I must assess the proposal not only on current circumstances but having regard to potential future harm if ownership should change. Consequently, the present ownership of No. 39 does not alter my conclusions on the harm that would arise.
14. The appellant has suggested that a privacy screen could be erected on the balcony, secured by a condition. However, no details been provided on the precise nature or dimensions of the screen and I must determine the appeal on the information and plans before me.
15. Accordingly, the proposal would significantly harm the living conditions of the occupiers of No. 39 Martin Lane with regard to loss of privacy. Accordingly, it would fail to comply with Policy GN3 of the West Lancashire Local Plan 2012 - 2027 Development Plan Document, October 2013 and the SPD.

Other considerations

16. The personal circumstances of the appellant are acknowledged, whereby they have suggested that the appeal property is unsuitable for modern living. However, little detail is provided in this regard and whilst small, I see no reason why the property would be unfit for habitation on account of its scale without the extension proposed. In any event, personal circumstances will seldom outweigh more general planning considerations and the matters raised in this instance do not attract sufficient weight in planning terms to override the harm that would arise.
17. The appellant also makes the point that policies which seek to limit the scale of extensions in Green Belt and on design grounds have an inequitable effect on the owners of smaller properties because they potentially allow for extensions of greater scale on houses that are already more substantial. However, such policies are not uncommon and the percentage allowance will often vary between Councils dependent on local circumstances, taking account of the characteristics of the area. A 40% limit is not uncommon or unreasonable and nothing has been presented to indicate that it is out of kilter with the National Planning Policy Framework. In any

event, I can only consider the appeal on the merits of the scheme before me and comments in that regard have not altered my recommendation.

Conclusion and Recommendation

18. Having had regard to all matters raised I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Preston

INSPECTOR