

Appeal Decision

Site visit made on 15 October 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/D2320/W/20/3257130

1 Sutton Fold, Sutton Lane, Adlington PR6 9PB

- 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 Michael Wiles against the decision of Chorley Borough Council.
 - The application Ref 20/00401/FULHH, dated 4 May 2020, was refused by notice dated 6 July 2020.
 - The development proposed is described as 'extension of an existing outbuilding to provide a small home office (Fully insulated with warm roof), and hobby room (Fully insulated with cold roof)'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the site visit I observed that the development described above has been partially carried out. I have therefore dealt with the appeal on the basis that the development has, in part, already occurred.

Main Issues

3. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of Tryfaen, with particular regard to outlook; and,
 - The effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

Reasons

Living conditions

4. The appeal relates to an existing domestic outbuilding in the garden of 1 Sutton Close, a stone built semi-detached dwelling. The outbuilding is positioned along the southern boundary of the property and the proposal would see it extended sideways by 5.2 metres, tapering to 2.5 metres along the southern boundary, with a ridge height of 3.8 metres to match the height of existing building.
5. Tryfaen is a two storey dwelling to the immediate south of the appeal site. A first floor rear facing habitable room window looks directly out onto the shared boundary with the appeal property and where the extension is proposed. The

outlook from this window is already compromised to a degree due to the relatively short distance between the window and the position of the existing outbuilding and the fact that the appeal site is on significantly higher ground. The Council advise that the distance between the habitable window at Tryfaen and the proposed extension is approximately 8 metres.

6. Having considered the relationship between the southern boundary of the appeal site and that of the north facing elevation of Tryfaen, it is clear to me that the proposed extension to the outbuilding would be constantly and unescapably apparent when viewed from this neighbouring property. The development would harmfully dominate the outlook from the first floor habitable room window of Tryfaen, resulting in an overbearing and oppressive form of development. These effects would also be experienced from the adjoining garden area of Tryfaen and thereby significantly diminishing the residents' enjoyment of their property.
7. The conifers along the boundary between the two properties would do little to mitigate these adverse effects, as the extension would rise above them. Moreover, the conifers could not be relied on in perpetuity to screen the development as they are outside of the control of the appellant.
8. Accordingly, I find that the proposal would harm the living conditions of the occupiers of Tryfaen, with particular regard to their outlook. This is contrary to policy BNE1 of the Chorley Local Plan (adopted 2015) (the CLP) which seeks to ensure that development does not cause harm to neighbouring property by virtue of overlooking, overshadowing, or overbearing. In this regard, the proposal would also conflict with the guidance set out in the Council's Householder Design Guide Supplementary Planning Document (the SPD) which aims to safeguard the residential amenities of neighbours.

Character and appearance

9. The appeal site is located in a residential area characterised by dwellings with large gardens. Garages, outbuildings and other domestic paraphernalia are commonplace. The appeal property is set within substantial grounds which includes areas of lawn, garden and domestic outbuildings.
10. The proposed extension would be the same height of the existing outbuilding and be completed in similar materials. This would be entirely in keeping with the scale and design of the existing structure and maintain its appearance as a domestic outbuilding, the kind of which is to be expected within the curtilage of a dwelling. Given the large extent of the garden area, the scale of the extended building would be commensurate with the size of the property and therefore would not harm the character or appearance of the host dwelling.
11. Furthermore, due to intervening buildings and surrounding boundaries, the extension would not be visible from the street scene along Sutton Lane. Therefore, it would not amount to a prominent form of development and I have no reason to believe that it would not be completed to a high standard.
12. For these reasons, the proposal would not be harmful to the character and appearance of the host dwelling or the surrounding area. In this regard, the proposal would be compliant with Policy BNE1 of the CLP and the associated guidance set out in the SPD which supports new development, including free standing structures, that does not have a significantly detrimental impact on

the surrounding area by virtue of its density, siting, layout, plot ratio, height, scale and massing, design, orientation and use of materials. However, avoidance of harm in this regard does not amount to a positive consideration in support of the appeal.

Other matters

13. The appellant suggests that an alternative extension could be carried out under permitted development, but I have little evidence to support this claim. I am therefore unable to conclude that this offers a realistic or probable prospect and consequently it does not represent a legitimate fallback position. It is open to the appellant to apply to have the matter determined under Sections 191 or 192 of the Town and Country Planning Act 1990. Any such determination would be unaffected by the outcome of this appeal. I have therefore considered the appeal on the basis of what is proposed and its consequent effects.
14. A significant amount of evidence has been put forward regarding land ownership and minor changes to the boundaries of the site. It is also suggested that the development may improve drainage and rainwater runoff from the site. However, these matters do not overcome the harm I have identified and do not therefore lead me away from my final conclusion.

Conclusion

15. Overall, while I find that the proposal would not result in harm to the character and appearance of the host dwelling or the surrounding area, this does not outweigh the harm I have identified to the living conditions of the occupiers of Tryfaen.
16. For these reasons, the appeal is dismissed.

Jeff Tweddle

INSPECTOR