



Appeal Decision

Site visit made on 29 September 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2020

Appeal Ref: APP/N2345/W/20/3250838

1 Devonshire Road, Preston PR2 8BU

- 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 Miss Shenaz Vorajee against the decision of Preston City Council.
 - The application Ref 06/2019/0747, dated 15 June 2019, was refused by notice dated 04 February 2020.
 - The development proposed is 1No. new dwelling following demolition of existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the time that the application was being considered, the Council accepted amended plans. Accordingly, I have determined the appeal on the basis of the plans that were considered by the Council.

Main Issues

3. The main issues are the effects of the proposal on:
 - i) The character and appearance of the area; and
 - ii) The living conditions of the neighbouring residential occupiers of 17 Kennington Road, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises a garage and part of the rear garden of No 1, which is a 2 storey semi-detached property at the junction of Devonshire Road and Kennington Road. The rear boundary of the site is formed by the fence between the gardens of 1 and 3 Devonshire Road. It shares a side boundary with 17 Kennington Road, one of a pair of 2 storey semi-detached properties at the junction of Beechway, beyond which lies Kennington School. The street scene has a relatively harmonious character and appearance, as a result of the similarly sited and spaced 2 storey semi-detached properties in matching styles and materials and with consistent front boundary treatments formed by low walls topped with railings or hedges.
5. The proposal is the demolition of the under-utilised garage and the construction of a modest single storey detached 1 bed dwelling. It would be finished

predominantly in red brick, although with some areas of white render and with a recessed blue brick ground floor front elevation. It would have blank side elevations, with openings to the rear and front including grey uPVC trifold patio-style doors to the ground floor front elevation with a large off centre glazed window above. It would have a pitched roof with ridge height approximately 5.5m, hipped to the rear and with a gable front end.

6. The dwelling would have a narrow front elevation and, although it would be set back from the road, it would be noticeably close to both side boundaries and to the rear boundary of the plot. By virtue of being a small building in a small plot, the proposal would be out of keeping and out of scale with the layouts and larger plot sizes that characterise the surrounding built environment.
7. Notwithstanding that brick and render are typical building materials in the area, the proposal would fail to relate well to the surrounding semi-detached properties that provide the visual context. By virtue of its conspicuously narrow and extensively glazed contemporary frontage and small plot, the proposal would be a prominent feature that would not sit comfortably in the street scene. It would disrupt townscape character and it would not make a positive contribution to the area.
8. While there are detached single storey properties further along Kennington Road and on adjacent streets, none of them form the visual context for the proposal. They are in any case generally set in more generous plots, both in terms of width and depth, and they have wider front elevations. I accept that there are some similarities between the appeal scheme and 24A Duchy Avenue, including in terms of the widths of the plots and front elevations and relationship to neighbouring properties. However, full details of that scheme, including its policy context and the particular circumstances of the case, are not before me. Therefore I cannot be certain that it is directly comparable to the appeal scheme or that it provides a justification for it.
9. Therefore, the proposal would harm the character and appearance of the area. It would conflict with the development plan, including Policy 17 of the Central Lancashire Adopted Core Strategy July 2012 (the CS) and Policies AD1(a) and EN9 of the Preston Local Plan 2012-2026 Site Allocations & Development Management Policies Adopted July 2015 (the LP). These require, among other things, that design should be in keeping with the character and appearance of the area, responding to local context including in terms of siting, layout, scale, design and building to plot ratio, and avoiding over intensification of use of the site. It would conflict with the aims of the National Planning Policy Framework (the Framework), insofar as it would not be sympathetic to the surrounding built environment and it would not maintain a strong sense of place. Furthermore, it would not be an outstanding or innovative design with high levels of sustainability, such as would attract great weight for the purposes of Paragraph 131 of the Framework.

Living conditions

10. The proposal would be approximately 7m from the side windows of No 17. While the neighbouring first floor facing windows are small and therefore unlikely to be the principal windows serving habitable rooms, the ground floor windows serve a kitchen with a small seating area. Although the roof of the proposal would slope away from the boundary, by virtue of its close proximity and increased height and length along the boundary, it would appear dominant

and it would diminish the outlook from the neighbouring windows. In this regard, the proposal would not accord with the guidance in the Residential Extensions & Alterations Supplementary Planning Document Adopted April 2013 (the SPD), which recommends a separation distance of 13m between habitable room windows and blank walls. While the SPD does allow flexibility in the case of kitchen windows, as I have found that the proposal would be detrimental to the neighbouring residential occupiers, there is little justification to allow such a large reduction in the recommended separation distance.

11. Evidence submitted to the appeal indicates that the part of the rear garden of No 17 closest to the appeal site forms the main usable private outdoor space for the occupiers of that property. By virtue of its increased height and length adjacent to the boundary, the proposal would result in some relatively limited additional shading of the closest part of the neighbouring garden for part of the day and for part of the year. However, more significantly, the increased bulk of the proposal would contribute to a sense of enclosure and it would be overbearing to the neighbouring residential occupiers when using their garden.
12. Therefore, the combined effects of the proposal would result in harm to the living conditions of the residential occupiers of 17 Kennington Road, with particular regard to outlook. It would conflict with Policy 17 of the CS and Policies AD1(a) and EN9 of the LP. These require, among other things, that development should be sympathetic to surrounding occupiers and it should avoid adverse impacts on residential amenity. It would also conflict with the aims of the Framework in relation to achieving high standards of amenity.
13. I appreciate that schemes permitted elsewhere, including on appeal, have departed from the separation distances recommended in the SPD. However, each scheme must be considered on its own merits, taking account of the surrounding context. In this regard, separation distances characteristic of densely developed traditional terraced housing, including flatted development, may not necessarily be applicable to more generously proportioned and spaced semi-detached and detached properties.

Other Matters

14. One off street parking space would be below the recommended parking provision. However, the location is accessible in terms of services and facilities and public transport. Provided that the boundary gates opened inwards, there would be no harm to the safe operation of the highway. The proposal would provide an adequate standard of internal living accommodation and outdoor space for future occupiers of a 1 bed property. There would be no significant overlooking, loss of privacy or overbearing impact on the occupiers of Nos 1 and 3 Devonshire Road. Surface and foul water drainage could also be dealt with by condition. These are requirements of the development plan and they do not weigh in favour of the scheme.
15. I appreciate that No 1 and its large garden are increasingly difficult for the appellant to maintain and that the appeal scheme would meet her needs for a smaller property and garden. However, I am not aware of any compelling reason why the appellant could not relocate to a suitable property elsewhere in the area. In this regard, it has not been demonstrated that there are no other properties that would meet her needs or otherwise alternative solutions that would deliver similar benefits without the harm that I have found. Therefore,

while I am sympathetic to the appellant's personal circumstances, they do not weigh in favour of the proposal.

Conclusion

16. For the above reasons, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR