
Appeal Decision

Site visit made on 30 November 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th December 2020

Appeal Ref: APP/P2365/W/20/3258804

17 Manor Gardens, Burscough, Lancashire L40 7TL

- 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 Daniel Branwood against the decision of West Lancashire Borough Council.
 - The application Ref 2020/0335/FUL, dated 23 March 2020, was refused by notice dated 12 June 2020.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has raised concerns regarding the Council's handling of the case, and in particular with regard to perceived inconsistent advice received from Officers. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is the side and rear garden of a two-storey semi-detached dwelling where an attached single storey side garage is located. It is situated at the end of a cul-de-sac. The other properties on Manor Gardens comprise similar semi-detached dwellings some of which have single storey side garages or side extensions of a similar size. As a result, each pair of these semi-detached two-storey dwellings has a sizeable gap between them at first-floor level. They also have both front and rear gardens. These gaps and gardens together form part of an orderly and regular pattern of development which contribute positively to the area's suburban setting.
5. The proposed development would demolish the existing single-storey side garage and replace it with a detached two storey three bedroomed dwelling to the side of no 17. Given its location, height, size, scale and massing, the proposal would be close to the shared side boundary with no. 18 which in effect

would mean that the side garden would be almost completely infilled, and that a substantial portion of the existing plot would be developed.

6. Consequently, I consider that the proposal would represent a cramped form of development which would be at odds with the area's prevailing character and pattern. Furthermore, while for similar reasons I also consider that due to its incongruous nature, the proposal would also have a substantial adverse visual impact on the street scene and thereby the area's appearance.
7. I acknowledge that the proposal would not infill the entire gap at first-floor level between nos. 17 and 18. However, even so, it would partially do so and consequently would be a considerable and discordant addition to the street scene of Manor Gardens nonetheless.
8. I therefore conclude that the proposed development would materially harm the character and appearance of the area thereby failing to meet the requirements of Policy GN3 of the adopted West Lancashire Local Plan Development Plan Document and the adopted West Lancashire Design Guide Supplementary Planning Document.

Other Matters

9. In support of the proposal the appellant has advanced a fallback position relating to positive pre-application advice that was given by the Council to a similar proposed development to the appeal scheme. However, informal discussion and advice given before an application is determined is given without prejudice and cannot pre-determine the final outcome of the application. Therefore, this advice is not binding, and it is clearly unfortunate if proposals are adjusted to suit but then the final outcome is an adverse one. Nevertheless, at appeal the proposal is considered afresh. As a consequence, the positive feedback given on that scheme does not weigh in favour of the appeal scheme before me.
10. I also acknowledge that no objections to the proposal have been received from interested parties. However, this is not of sufficient weight to outweigh the harm I have identified above.
11. I note the appellant's points with regards to a similar development proposal being permitted in the wider area. However, I do not have all the details of this case before me or the circumstances which led to that decision being taken. In addition, the circumstances applicable to the scheme (the proposed dwelling was located at the entrance to the cul-de-sac and not within a gap between two existing dwellings) are not be exactly the same as those presented in this case, which I have determined on its own merits. In any event, the existence of other similar development proposals in the locality does not outweigh my findings in respect of the character and appearance of the area.

Conclusion

12. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR