

---

# Appeal Decision

Site visit made on 6 July 2021

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 July 2021**

---

**Appeal Ref: APP/F2360/D/20/3264981**

**1 Hugh Lane, Leyland PR26 6PE**

- 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 Stephen Barlow against the decision of South Ribble Borough Council.
  - The application Ref 07/2020/00612/HOH, dated 24 July 2020, was refused by notice dated 18 September 2020.
  - The development proposed is described as: 'conversion of existing garage to new kitchen, building new bedroom above existing garage, building bay to front of house, erection of detached garage'.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. For clarity, I have taken the name of the appellant from the appeal form as it is more precise.
3. A car parking plan has been submitted with the appeal after the decision by the Council was made. I have not taken these into consideration as they have not benefitted from a full consultation exercise undertaken by the Council. In determining this appeal, I have therefore only considered the plans that formed the basis of the Council's refusal of planning permission.

## Main Issues

4. The main issues of this appeal are the effect of the proposed development on:
  - i. the living conditions of occupiers at No 12 Leyland Lane, with particular regard to sun/day light and dominance;
  - ii. the character and appearance of the appeal site and surrounding area; and,
  - iii. whether the proposed development would provide sufficient off-road vehicular parking.

## Reasons

### *Living conditions*

5. The proposed development would comprise a first-floor extension, which would be sited over the existing single storey side extension, with the existing ground floor garage being converted into a kitchen. Additionally, a single storey front

extension to the existing living room and a detached single garage, sited to the front of the host dwelling would be constructed.

6. The proposed development would maintain the existing side space between the site and No 12 Leyland Lane, which faces the side elevation of the host property, albeit from its rear elevation and at an oblique angle. However, the distance between the host property and No 12 is modest. I accept that the closest facing rear first-floor window at No 12 is obscure glazed and beneath it is a small clear glazed window at ground floor (the ground floor window). Whilst the evidence does not clearly indicate the use of the room that the ground floor window serves, I observed a monitor situated within this room.
7. In any event, it was clear from my visit that No 12 benefits from a single storey rear extension that has a large expanse of glazing on its rear elevation. I have little doubt that this element of No 12 comprises a habitable room for its occupiers. Thus, given the location of No 12 and the host dwelling, and the relative modest distance that exists between these properties a degree of enclosure would result from the scheme that would have an over bearing effect on habitable room windows and a section of its rear outside amenity area.
8. Given the orientation of the host dwelling and No 12, I do not consider that the occupiers of No 12 would receive any less sunlight. Although, due to the irregular shape of the rear garden at No 12, its depth varies and reduces towards the front element of the proposed development. This would result in a small loss in daylight to the occupiers of No 12, particularly to the ground floor window and the area of garden immediately outside.
9. For the reasons given above, I therefore conclude that the proposed development would significantly harm the living conditions of the occupiers at No 12, particularly through a loss of day light and over dominance. This would fail to comply with the amenity aims of Policies B1 and G17 of the Council's Local Plan 2015 (LP), the Council's Residential Extensions Supplementary Planning Document (the SPD) and the requirements of the National Planning Policy Framework (the Framework).

#### *Character and appearance*

10. Whilst concern has been raised to the location of the detached garage, I find that the existing flat roofed single storey garage (the existing garage) provides visual mitigation for the location of the proposed structure, especially as the proposed garage would not project significantly beyond the side elevation of the existing garage. Additionally, there would be ample space remaining to the front of the host dwelling, to ensure that the front of the site does not appear cramped or overdeveloped.
11. For the reasons given above, I therefore conclude that the proposed development would not significantly harm the character and appearance of the appeal site or the surrounding area. This would comply with the design and character and appearance aims of LP Policies B1, G17, the SPD and the requirements of the National Planning Policy Framework (the Framework).

#### *Off-road parking*

12. LP Policy F1 and the associated Appendix 4 stipulate a minimum of 3 car parking spaces for dwelling houses with 4no. bedrooms or larger properties, which would include garages. Additionally, the SPD indicates that a car parking

space should occupy a space of 2.4m x 4.8m. I note that the area to the front of the host dwelling is generous and of a reasonable size. However, due to the irregular shape of the proposed garage, I am not convinced that a motor car could be easily parked within it. I also note that some parts to the front of the site comprise soft landscaping.

13. Consequently, and in the absence of substantive evidence to the contrary, I am not convinced that the required number off-road parking spaces could be satisfactorily provided within the site. Furthermore, I find that a suitably worded condition could not be imposed in this instance, to ensure that otherwise unacceptable development could be made acceptable.
14. For the reasons given above, I therefore conclude that the proposed development would not provide sufficient off-road parking. This would fail to comply with the car parking and highway safety aims of LP Policy F1, Appendix 4, the SPD and the requirements of the Framework.

### **Conclusion**

15. For the reasons given above, I conclude that the appeal should be dismissed.

*W Johnson*

INSPECTOR