



Appeal Decision

Site Visit made on 6 July 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2021

Appeal Ref: APP/N2345/D/21/3269941

46 Woodplumpton Road, Woodplumpton, Preston PR4 0NE

- 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 Mrs Natalie Chapman against the decision of Preston City Council.
 - The application Ref 06/2020/1113, dated 8 November 2019, was refused by notice dated 24 December 2020.
 - The development proposed is 'Demolition of existing single storey garage and store and erection of new two storey side extension and single storey rear extension with associated hard and soft landscaping. Front boundary to be amended to a brick wall with gate and render and timber cladding to existing property.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with an opportunity to comment on the relevance of this revision to the Framework to their respective cases.

Main Issues

3. The main issues are i) the effect of the proposal on the living conditions of neighbouring occupants, in terms of outlook, enclosure and light; and ii) the effect on protected species.

Reasons

Living Conditions

4. The proposal seeks various extensions to the host dwelling, including a side/rear extension that would extend partly over an existing single storey, flat roofed side addition and rearward beyond the existing building at two storeys in height. The extensions would be added to the side of the dwelling closest to No 48, a bungalow with bedrooms in the roof space which stands on slightly lower ground than the appeal site. The only window to one of the bedrooms faces the appeal site.
5. The Council's Residential Alterations & Extensions Supplementary Planning Document (SPD) sets out that where a window in a habitable room faces a blank wall, the height of which exceeds the top of that window, there should be minimum of 13 metres distance between them. In this case, the existing first

floor side wall of the appeal dwelling stands some 9.8 metres from the neighbouring window, and is thus already well below the guideline distance.

6. I acknowledge that failure to meet these guidelines does not automatically mean a proposal is harmful. I observed the appeal site from the neighbouring window and saw that the facing wall forms a dominant feature immediately opposite, though neighbours still retain outlook beyond the front and rear of the appeal building, given its relatively shallow footprint. Therefore, despite the shortfall in distance at present, the arrangement and scale of buildings on the appeal site means neighbours retain adequate outlook and light to this window.
7. However, the proposal would bring the first floor side wall some 3.1 metres closer to the neighbouring property, to a distance of just 6.7 metres. Moreover, the proposed rear extension would elongate the length of the wall facing the neighbour by 4 metres in the south-easterly direction. Consequently, the facing wall would be significantly closer and wider, with its impact further exacerbated by the added height of the gable feature. At this distance and scale, the proposed extension would form a dominant and overbearing structure which would severely curtail outlook from the neighbouring window, but would also increase the sense of enclosure and would reduce the quality of daylight to this room, and the length of time during the day when the window receives direct sunlight.
8. The massing of the rear extension would also be prominent in views from the neighbouring garden. Occupants of No 48 would still retain outlook to the rear of the garden, but the rear extension would have an overbearing effect on the patio area to the rear of the dwelling due to its height and massing above the boundary hedge. The extension also would have an overbearing effect and lead to a loss of light to a side window at ground floor level, albeit this would be limited given it is the smallest of three windows serving the living room, and it is already partially affected by the adjacent boundary hedge. Still, these effects add to my overall concern with the proposal's impact on neighbours' living conditions.
9. The appellant states that a precedent exists in terms of the shorter distances between the windows of Nos 48 and 50, and 50 and 50A Woodplumpton Road. However, the assessment of the effect on neighbours' living conditions is inevitably a site specific one. I also note differences in the shape, massing and position of walls facing these windows relative to the appeal site. This aside, the presence of similar development nearby is not justification for allowing further development which would itself be harmful.
10. Therefore, for the reasons set out, I conclude that the proposal would result in significant loss of outlook and light, and increased sense of enclosure which would cause significant harm to the living conditions of neighbouring occupants of 48 Woodplumpton Road. This would result in conflict with Saved Policies D13 and H8 of the Adopted Local Plan 2004 and Policy AD1(a) of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) (SADMP) (July 2015), which together permit house extensions where, among other things, they do not detrimentally affect the residential amenity, including sunlight and daylight, of neighbouring properties. There would also be conflict with the aforementioned guidance of the SPD.

Effect on Protected Species

11. The Council refused permission due to a lack of information as to the potential impact on the development on protected species, in particular bats. The appellant has subsequently submitted a preliminary bat survey which found no evidence of bats, nor suitable potential roost features for bats. I note the Council's Ecologist has accepted the conclusions of the survey and indicates that further survey work is not required, with informatives recommended should permission be granted. Given this evidence, I am satisfied that the proposal would not pose a significant risk to protected species in this case, and no conflict would arise with the aims of Policy EN10 of the SADMP to protect habitats for important species.

Other Matters

12. I have had regard to other concerns raised by interested parties, relating to matters including site ownership, discrepancies with plans, party wall issues, fire hazards and the effects of construction noise on horses. Some of these matters are not relevant to the planning merits of the appeal. Nonetheless, given my findings in respect of the main issues point to the dismissal of the appeal, it is not necessary to address these matters further as they would not be determinative to the overall outcome of the appeal.
13. I note the appellant's desire to increase their living space to accommodate their growing family. However, I am mindful that the harm I have identified would be permanent and this would not be outweighed by the appellant's particular circumstances.

Conclusion

14. For the reasons set out, the proposal would conflict with the development plan, taken as a whole. Material considerations put forward in this case do not indicate that permission should be granted in spite of this conflict. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR