



Appeal Decision

Site Visit made on 6 July 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 16th August 2021

Appeal Ref: APP/N2345/W/21/3270983

D'urton Cottage, D'urton Lane, Preston, PR3 5LE

- 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 Shoyab Musa (Kingswood Sales and Lettings) against the decision of Preston City Council.
 - The application Ref 06/2020/1281, dated 18 November 2020, was refused by notice dated 4 March 2021.
 - The development proposed is the erection of a replacement bespoke, eco dwelling with subterranean level.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of the development from the application form in the banner heading above, although the plans do not appear to illustrate a subterranean level. The proposal is described in the decision notice as 1no dwelling, boundary wall and vehicular access onto D'urton Lane, following demolition of existing dwelling and detached garage. However, the existing dwelling has already been demolished and the site has been largely cleared. Accordingly, I have determined the appeal on the basis that it relates to the erection of 1no dwelling with boundary wall and vehicular access.
3. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021 before the appeal was determined. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases.

Main Issues

4. The main issues are the effects of the proposal on:
 - i) The character and appearance of the area; and
 - ii) The living conditions of future residential occupiers of the approved neighbouring dwelling.

Reasons

Character and appearance

5. The appeal site is formed from the subdivision of the grounds of D'Urton Cottage, which was a detached one and a half storey property set back from

the road in generous grounds. It formed part of a loose cluster of semi-rural dwellings and buildings on the outskirts of Preston. The group comprises dwellings of various sizes, styles and ages, generally finished in brick and render, and irregularly sited in large mature plots. Boundary hedgerows and abundant tree cover create a verdant and leafy street scene. The appeal site in the North West Preston Existing Residential Area and Housing Site, which is currently being developed for housing. As such the wider area has a more contemporary urban and densely developed character and appearance.

6. The proposal would be a substantial 2 storey detached dwelling finished in sandstone brick and with a hipped roof and an integral garage. It would have non-matching front gables either side of a stone porch with a curved top window above. The front gables would have several large 8 pane windows. By virtue of its materials and its design, including its roof form and the pattern and extent of glazing, it would be markedly dissimilar to the more restrained and traditional properties that characterise this part of the street.
7. The dwelling would be set back behind a large area of hardstanding. The former front boundary hedgerow and mature trees have been removed and the plans indicate that there would be little if any replacement planting. Instead, the front boundary would comprise sandstone walls curving into the driveway and rising to meet sliding gates. The front boundary would not be in keeping with the neighbouring boundary treatments, which are generally formed from hedgerows or, more rarely, red brick.
8. Consequently, the dwelling would be a conspicuous and discordant feature that would dominate the street scene. The large dwelling, extensive hardstanding and boundary wall would be in sharp contrast to the neighbouring more unassuming properties which are assimilated into the surroundings by planting. It would have a hard and overtly urban appearance that would be incongruous and unsympathetic to the surrounding built and landscape context. It would not make a positive contribution to sense of place or local distinctiveness.
9. Therefore, the proposal would harm the character and appearance of the area. It would conflict with Policy 17 of Central Lancashire Adopted Core Strategy Local Development Framework Adopted July 2012 (the CS) and Policies AD1(a) and EN9 of Preston Local Plan 2012-26 Site Allocations & Development Management Policies Adopted July 2015 (the LP). These require, among other things, that development responds positively to its context and setting, being sensitive to and in keeping with the character and appearance of the local area.
10. My attention has been drawn to planning permission (ref 06/2018/0282) for a similarly substantial and imposing detached 2 storey dwelling adjacent to nearby Winders Lodge. Full details, including boundaries and landscaping, have not been provided but it occupies a corner plot and is apparently well separated from neighbouring properties. Moreover, while it has a modern appearance, it is finished in materials characteristic of the area. Irrespective, the permission was not implemented and it has lapsed, and permission (ref 06/2020/1163) has recently been granted for 2 more modest dwellings.
11. Planning permission (ref 06/2010/0614) has been implemented elsewhere on D'Urton Lane for a detached dwelling with a hipped and gable roof form, finished in stone and render and with a portico entrance. The evidence suggests the dwelling, while large, nevertheless relates to the surrounding built environment including in terms of materials, fenestration and roof form. In any

case, it appears to have been approved in an earlier planning policy context and it does not form part of the visual context for the appeal scheme. Consequently, permissions elsewhere do not appear directly comparable to the appeal scheme and they do not provide a justification for it.

Living conditions

12. There is currently no immediately neighbouring property to the east of the appeal site. However, planning permission (ref 06/2019/1092) was granted in August 2020 for 1no. dwelling and new access following demolition of existing garage. The approved dwelling would be a relatively modest building with a simple pitched roof and gable ends, roughly 1.1m from the shared boundary.
13. By virtue of its siting close to the shared boundary, the proposal would be in close proximity to the neighbouring approved dwelling. The proposal would be set back from the front building line and it would extend many metres beyond the rear elevation of the approved dwelling. By virtue of its length and height, the side elevation of the proposal would be a visually obtrusive and dominant feature when viewed from the rear of the approved dwelling. It would be particularly overbearing to the neighbouring future occupiers in the parts of the garden closest to the rear of the dwelling, where they would be likely to spend a greater proportion of their time including for sitting out.
14. While the proposed first floor side-facing windows would not serve habitable rooms, the 2 storey glazed stairwell would allow for direct and close overlooking into the garden of the approved dwelling. However, the plans indicate that the side elevation windows would be obscurely glazed such that there would be no overlooking towards the approved dwelling. Nevertheless, I note the third party concerns in relation to overlooking of neighbouring properties from the rear first floor roof terrace and balcony.
15. The proposal would be to the south west of the neighbouring approved dwelling. The submitted shadow analysis demonstrates that it would not result in significant shadowing to the approved dwelling on the days of the year when the sun is at its highest and lowest points in the sky. However, the summer and winter solstice are not representative of the whole year. In this regard, taking account of its orientation, height, size and proximity to the boundary, I consider that the proposal would result in overshadowing of the rear of the approved dwelling and part of its garden for much of the year. This would be significantly detrimental to the future neighbouring occupiers.
16. Therefore, the proposal would harm the living conditions of the future residential occupiers of the approved neighbouring property, with particular regard to loss of outlook and overshadowing. It would conflict with CS Policy 17 and LP Policies AD1(a) and EN9. These require, among other things, that development is sympathetic to surrounding occupiers, functionally integrated and that it avoids adverse impacts on residential amenity. It would conflict with the residential amenity aims of the Framework.

Other Matters

17. The Council accepted amended plans which sought to overcome its concerns in relation to the scale of the building and its relationship and impact on the neighbouring approved dwelling. Nevertheless, I find that the reduction in the size of the proposal has not been adequate to mitigate the harm.

18. There would be adequate parking provision and the access arrangements would not result in adverse impacts on highway safety. There would be no adverse impacts on protected species. Matters relating to surface and foul drainage could be addressed by planning condition. These are neutral matters.
19. The absence of objections from the neighbours is not the same as an absence of adverse effects. In any case, in considering the impact of the proposal over its lifetime, it is appropriate to consider the effect on the future occupiers of the neighbouring approved dwelling that has not yet been built.
20. The appeal site is accessibly located brownfield land within the settlement. The proposed 4 bed property would be suitable to be occupied by a family. There would be limited economic and social benefits during construction and occupation of 1 dwelling. However, it has not been demonstrated that there are no alternative schemes that could deliver substantially similar benefits without conflict with the development plan. Therefore, these matters carry limited weight in favour of the proposal.

Conclusion

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

Sarah Manchester

INSPECTOR