
Appeal Decision

Site visit made on 15 November 2021

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2021

Appeal Ref: APP/A2335/D/21/3279722

19 Sharpes Avenue, Lancaster LA1 4DL

- 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 Steven Armer against the decision of Lancaster City Council.
 - The application Ref 21/00618/FUL, dated 13 February 2021, was refused by notice dated 9 July 2021.
 - The development proposed is erection of a first floor front extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development above from the Council's decision notice as this is a more concise version of the appellant's original description. The appellant has adopted this description in their appeal form, confirming it is the development they are seeking planning permission for.

Main Issue

3. The main issue is the effect of the proposed extension on the living conditions of the neighbours at No.17 Sharpes Avenue with regard outlook and overshadowing.

Reasons

4. No.19 Sharpes Avenue (No.19) is a two-storey detached house with a single storey converted garage attached to its front elevation. No.19 is tucked at the end of Sharpes Avenue, a cul-de-sac, and it has an existing close relationship with its neighbours at Nos. 17 and 18 Sharpes Avenue orientated so that it faces towards their back gardens.
5. The proposal is to extend over the ground floor garage conversion to provide a first-floor master bedroom. The extension has been designed with a hipped roof which slopes away from the common boundary with No.17 Sharpes Avenue (No.17), but it would nonetheless be around 4.8m in height to its lowest eaves. This would present a large, blank elevation at a width of around 6.7m, almost the full width of the common boundary with No.17. Further, it would be sited only around 11m from the rear facing windows of No.17.
6. I note that there would be no increase in the footprint of the house and that the existing single storey garage conversion, and particularly its high roof

slope, already form part of the outlook from No.17. However, the scale and height of the extension, in combination with its proximity, means it would appear a dominant and overbearing feature when viewed from both the rear windows and garden of No.17 such that it would result in a significant loss of outlook.

7. The appellant has submitted a Sun Path Study that shows the likely shadowing of No.17 at specified dates and times. Whilst the Council is not convinced that the Sun Path Study is accurate, it is not explained why and I have no reason to doubt the information before me. At midday at the winter solstice (the shortest day of the year), No.19 already casts a shadow over the full width of the garden and rear elevation of No.17. This would not materially alter with the proposed extension. At midday at the vernal equinox (the beginning of spring) the proposed extension would result in an increase of around double the area of the garden of No.17 in shadow, although I acknowledge that this shadowing would not extend as far as the rear elevation.
8. This increase in overshadowing, in conjunction with the significant loss of outlook, would cause material harm to the living conditions of the occupiers of No.17. Consequently, the proposals would conflict with Policy DM29 of the Local Plan for Lancaster District 2011-2031 – Part Two: Review of Development Management DPD (July 2020) because it would have a significant impact in relation to overshadowing and visual amenity. It would further conflict with the guidance at paragraph 130 of the National Planning Policy Framework that developments should create places with a high standard of amenity for existing and future users.
9. The appellant's evidence has explained that health circumstances of a member of the family has resulted in the need to extend and adapt their home to provide more suitable living accommodation. I have great sympathy for these circumstances, and these can be a material consideration, but I am also mindful of the fact that planning is concerned with land use in the public interest. In this case, the effect of the development on the living conditions of neighbours will remain long after the personal circumstances no longer apply. I do not therefore find them to outweigh the harm I have identified above, or the conflict with the development plan.

Conclusions

10. For the reasons given above, and taking all other matters into account, I conclude the appeal should be dismissed.

R Jones

INSPECTOR