



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/J2373/D/21/3281584

9 Maida Vale, Cleveleys, Lancashire FY5 1NP

- 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 and Mrs Lamkin against the decision of Blackpool Council.
 - The application Ref 21/0599, dated 29 June 2021, was refused by notice dated 23 August 2021.
 - The development proposed is a conservatory to the rear of the property.
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Decision

1. The appeal is allowed and planning permission is granted for a conservatory to the rear of the property at 9 Maida Vale, Cleveleys, Lancashire FY5 1NP in accordance with the terms of the application, Ref 21/0599, dated 29 June 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Base Plan, Rear Elevation and Side Elevation; Proposed Base Plan, Rear Elevation and Side Elevation (LAMKIN 63792-JS-29/6/21)

Main Issue

2. The main issue is the effect of the proposals on the living conditions of No.11 Maida Vale with regard outlook, visual amenity and natural light.

Reasons

3. No.9 Maida Vale (No.9) is a two-storey end of terrace house with an existing kitchen extension to the rear and side. The proposal is for a fully-glazed conservatory sited between the existing rear extension and the common boundary with the attached neighbour at No.11 Maida Vale (No.11).
4. The conservatory would project around 5m on the boundary with No.11 at an overall height of around 3.1m. No.11 has a small projecting rear bay and the conservatory would be clearly visible along its length from the window and door to this bay and the rear garden. However, despite introducing solid elements in the form of the glazing bars, the conservatory design means it would appear a relatively lightweight structure. The proposal would also be largely screened by the high existing close boarded fence that runs along the boundary between the two properties. Whilst the eaves of the conservatory, at around 2.35m in

height, would be visible above the fence, the roof to its ridge has been designed to slope away from the common boundary. As such, the proposals would not appear visually dominant or excessive, or have an overbearing impact on the occupiers of No.11. Outlook from the rear windows of No.11 is principally over the long garden and this would not materially change as a consequence of the proposed extension.

5. For similar reasons, it is not considered that the proposal would lead to a significant loss of light to No.11 over and above the existing boundary fence. The west facing rear elevation and garden of No.11 would remain sufficiently open to afford them adequate natural light.
6. The guidance in Design Guidance 4 of the Council's *Extending your Home Supplementary Planning Document (November 2007)* (SPD) is that single storey rear extensions on a boundary should not project more than 3m from the main rear wall of the adjoining neighbouring property. Due to the 5m projection of the proposed conservatory extension, there would be a technical conflict with this part of the SPD. However, it should be noted that this is guidance only, and that for the reasons set out above, the proposal nonetheless complies with the development plan.
7. The proposals would not result in harm to the living conditions of the occupiers of No.11 with regards to outlook, visual amenity and loss of natural light. Accordingly, there is no conflict with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (2016) or Saved Policies LQ1, LQ14 and BH3 of the Blackpool Local Plan 2001/2016 (2006) which together require new development, including extensions, to be well designed and ensure the amenities of neighbours are not adversely affected. There is also no conflict with Section 12 of the National Planning Policy Framework which has similar concerns.

Conditions and Conclusion

8. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans are necessary for the avoidance of doubt.
9. For the reasons given, I conclude the appeal should be allowed subject to the conditions above.

R Jones

INSPECTOR