



Appeal Decision

Site visit made on 15 November 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 28th January 2022

Appeal Ref: APP/F2360/W/21/3280166

Land at Royalty Lane, Royalty Lane, New Longton PR4 4JD

- 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 Jem Counce against the decision of South Ribble Borough Council.
 - The application Ref 07/2021/00103/FUL dated 11 January 2021 was refused by notice dated 23 April 2021.
 - The development proposed is the full planning application for the erection of 1 no. dwelling following the removal of existing garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the surrounding area; and on the living conditions of neighbouring occupiers at No. 5 Royalty Lane with particular regard to privacy.

Reasons

Character and Appearance

3. The site comprises land between Nos. 3 and 5 Royalty Lane, with a garage set back from the road. The area is residential with a range of property styles. Royalty Lane is primarily made up of large, detached dwellings in spacious plots. However, Nos. 1 and 3 form part of a terrace with the neighbouring post office. They are notably narrower and set in smaller plots than the other properties on the street but share a consistent design with each other.
4. The proposal seeks to erect a detached dwelling in place of the garage at the site, using materials that would fit in within the area. The South Ribble Borough Council Residential Extensions Supplementary Planning Document (the SPD) states that proposals should respect the building arrangement and building lines to fit into their surroundings. While this is guidance rather than policy it nonetheless remains a material consideration.
5. The proposal would be set back from the road and continue the building line of Nos. 1 and 3. It would be of similar scale to Nos. 1 and 3, with comparable plot density. However, it would not form part of this terrace and does not share the consistent style that sets these properties apart within the street. Separated by an intervening garage, with a differing design and roof form, the proposed dwelling would not visually relate to the terraced properties.

6. While its detached nature and design would be at odds with the terrace, its scale and siting would also fail to reflect the other detached dwellings. The proposal would be built close to the side boundaries of the site and have limited space to the rear, at odds with the prevailing building arrangement of the immediate area. Alongside the spacious plots and surrounding sizeable proportions, the proposal would appear as a contrived and cramped form of development, squeezed into the site and failing to respect the pattern of built form. Overall, it would read as an incongruous addition to the street.
7. It is recognised that the garage on site is of limited architectural merit. However, it is set back from the road and of modest scale so as not to be prominent within the streetscene. The scale of the proposal would read as more prominent than this garage such that the harm caused by its failure to respect the pattern of development would be clearly visible, even with the existing tree line in place.
8. For the reasons given I find that the development would have a significant adverse effect on the character and appearance of the surrounding area. As such, it would fail to accord with Policies B1 and G17 of the South Ribble Local Plan 2012 – 2026, adopted July 2015 (the Local Plan) and the SPD, which together seek to promote good design.

Living Conditions

9. The Council has stated that the first floor rear windows of the proposal would result in overlooking of the rear garden at No. 5, which wraps around the rear of the appeal site. In this regard it has referred to SPD requirements that first floor proposed windows should have a minimum distance of 21m from facing habitable room windows and of 10m from a facing boundary/garden. However, these standards relate to two storey rear extensions.
10. In any event, the proposed dwelling would sit behind, and be angled away from, the property at No. 5. Due to this siting and orientation, the primary outlook from the rear of the proposal would face away from the side boundary and the majority of the garden space at No. 5. As a result of this direction of view, the rear garden of No. 5 is less likely to be significantly overlooked. Some views would still be possible from the first floor rear windows of the proposal at an oblique angle. However, these would be limited and not represent an uncommon occurrence in a residential setting.
11. The above, together with the generous nature of the overall garden space at No. 5, would ensure that the privacy of occupiers would not be unduly impacted by the proposal so as to significantly reduce their enjoyment of the rear garden area. Although the appellant has also suggested that tall boundary fencing could be put in place, from my observations this would appear out of place in the immediate area and could have implications for the outlook of future and neighbouring occupiers.
12. For the reasons given I find that the development would not have a significant adverse effect on the living conditions of neighbouring occupiers at No. 5 Royalty Lane with regards to privacy. As such, it would accord with Policies B1 and G17 of the Local Plan and the SPD, which together seek to promote adequate living conditions

Other Matters

13. The proposal would provide additional housing on previously developed land. However, given the single dwelling nature of the development, it would make a modest contribution in this regard and as such limited weight is attached to the benefit provided in terms of housing or use of brownfield land.
14. Reference is made to a bungalow development that has been granted planning permission in the rear garden of No. 5 Royalty Lane. However, limited information on this, or the circumstances under which it was granted permission, have been provided and there was no evidence on my site visit that such a permission has been implemented. As such, limited weight is attached to this and, in any event, the proposal before me must be assessed on its own merits.
15. The appellant states that the garage on site at present attracts anti-social behaviour. However, no substantive evidence is put forward to support this. While I acknowledge the limited graffiti at site, I have no further evidence on the matter and a general statement in this regard carries limited weight in favour of granting permission for the proposal.

Planning Balance and Conclusion

16. I have found that the proposal would not cause harm to the living conditions of the occupiers of No. 5 Royalty Lane but would harm the character and appearance of the surrounding area. Given the limited weight afforded to the other matters above, when taken together with the lack of harm to living conditions, they do not outweigh the significant harm identified to the character and appearance of the surrounding area by the proposal.
17. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR