



Appeal Decision

Site visit made on 19 April 2022 by N Unwin BSc (Hons) MSc

Decision by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2022

Appeal Ref: APP/P2365/D/22/3290394

80 Noel Gate, Aughton, Ormskirk L39 5EQ

- 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 James Felton against the decision of West Lancashire Borough Council.
 - The application, ref. 2021/0861/FUL, dated 7 July 2021, was refused by notice dated 18 October 2021.
 - The development proposed is described as a 'Two storey front and rear extension. Single storey side extension'.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey front and rear extension, and single storey side and rear extension at 80 Noel Gate, Aughton, Ormskirk L39 5EQ in accordance with the terms of the application, ref. 2021/0861/FUL, dated 7 July 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Block Plan ref. 003; Location Plan ref. TQRQM21188143209336; and Proposed Plans ref. 002.
 - 3) The external surfaces of the development hereby permitted shall be constructed of those materials specified within Proposed Plans ref. 002.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The banner heading above contains the original description of development. However, the proposal includes a single storey rear extension and it is clear from the Council's delegated report that the planning application was determined on this basis. Consequently, I have determined the appeal on the same basis as the Council and in the interests of precision I have amended the description of development in the Decision.

Main Issues

4. The main issue to be considered is the effect of the proposal on the living conditions of the occupiers of no. 82 Noel Gate, with particular regard to natural light and outlook.

Reasons for the Recommendation

5. The appeal property is a semi-detached dormer bungalow with a single storey flat roofed garage adjoining the side elevation. The adjoining property (no. 82) shares a ridgeline, and front and rear building lines with the appeal property. No. 82 is of a similar scale and design to the appeal property, with the exception of a two storey front gable extension and two storey rear extension similar to that proposed.
6. The proposed development would involve the addition of a two storey front gable which would extend across approximately half of the front elevation, mirroring that of no. 82. The existing garage would be replaced with a single storey side extension with a mono-pitched roof. At the rear, the eaves would be raised creating two storeys whilst the existing ridge and rear building lines would be maintained.
7. A single storey extension would wrap continuously around the side and rear elevations, incorporating a sloped roof. This element of the proposal would project from the existing rear building line by less than 3 metres and to the side it would occupy the same footprint as the existing garage. The roof of the proposed single storey rear extension would slope away from the host dwelling, reducing its built form as it extends into the rear garden.
8. I accept that the proposed extensions would increase the bulk and scale of the appeal property relatively close to the shared boundaries. However, given the two storey rear extension would not project beyond the existing building line of no. 82 and the modest scale of the proposed single storey rear extension, I do not consider that the proposal would result in an excessively overbearing impact on, or loss of natural light to the occupiers of no. 82.
9. The Local Planning Authority's Design Guide Supplementary Planning Document (2008) (SPD) states that a two-storey rear extension along the common boundary of a pair of semi-detached dwellings is likely to cause overshadowing if it projects outwards by more than 3 metres. It goes on to say that a single-storey rear extension along a common boundary may begin to cause overshadowing if it projects outwards, beyond the neighbours own building, by more than 4 metres. The projections of the proposed two storey and single storey rear extensions from the existing rear building line of the host dwelling and no. 82, are markedly below that stipulated within the SPD. Therefore, the proposed development complies with this specific section of the SPD.
10. For the above reasons, I consider that the proposed development would be acceptable in terms of its effect on the living conditions of no. 82, with particular regard to natural light and outlook. The proposal would therefore comply with Policy GN3 of the West Lancashire Local Plan 2012 – 2027 (2013) and the SPD which among other things require the provision of a reasonable level of amenity for neighbouring properties.

Conditions

11. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved

plans and a condition requiring the use of the external materials specified within the submitted plans. These conditions are required to protect the character and appearance of the host building and wider area.

12. The Local Planning Authority have requested a condition requiring the proposed first floor window within the side elevation to be obscure glazed to protect the privacy of the occupiers of no. 78 Noel Gate. The proposed window would be to a non-habitable room, would not be directly opposite any other existing windows, and would not offer direct views into the external garden area of no. 78. As such, the proposed window is not considered to result in a material loss in privacy of the occupiers of no. 78. Therefore, a condition requiring the proposed window in the first floor of the side elevation to be obscure glazed is not considered necessary in this instance.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

J Hunter

INSPECTOR