



Appeal Decision

Site visit made on 18 May 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 June 2022

Appeal Ref: APP/P2365/W/21/3287216

10 Middlewood Road, Aughton L39 6RG

- 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 Lopez Walker against the decision of West Lancashire Borough Council.
 - The application Ref 2021/0372/FUL, dated 23 March 2021, was refused by notice dated 20 August 2021.
 - The development proposed is erection of a detached dwelling house and detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon the character and appearance of the area and whether appropriate living conditions would be provided for future occupiers of the proposed dwelling, with particular regard to privacy.

Reasons

Character and Appearance

3. The appeal site comprises a vacant plot of land, formerly the side garden of 10 Middlewood Road, a semi-detached Victorian dwelling. The area is predominantly residential with a mixed character arising from the variety of property styles, sizes, ages and siting in relation to nearby roads.
4. Contemporary design is not objectionable in and of itself, however it must respect the context within which it sits, even if the prevailing character is mixed. Whilst flat roofed dormer windows are apparent on the pair of semi-detached properties on the opposite side of Middlewood Road, these properties are somewhat of an anomaly within the street scene. The majority of nearby dwellings despite their differing scales, are predominantly 2 full storeys in height.
5. I find that the proposed rectangular grey standing seam feature inclusive of the dormer projection, would draw the eye to a negative degree. This would be exacerbated by the stark contrast of the dark cladding with the pale coloured render. Therefore, the specific design of the rear elevation would result in the proposed dwelling appearing discordant and visually harmful within the street scene of Middlewood Road. Although the design has evolved through various

iterations with a view to finding a solution, since the dismissal of the previous appeal in 2021 (reference number 3260818), this does not outweigh my concerns regarding the design of the proposal before me.

6. Whilst I am sympathetic to the suggestion of using a condition to re-design the rear elevation of the proposed dwelling, it would nevertheless result in a different form of development to that applied for. This would be prejudicial to interested parties that would not have the opportunity to comment on any amended plans.
7. The proposed dwelling would be wide but nevertheless, slimmer than the combined width of the semi-detached properties of No 10 and 12 and narrower than the bungalow at No 2 Middlewood Road. Given this and the fact that there are a variety of house types of varying widths locally, the scale and width of the proposed dwelling would not be out of place within the street scene. The position of the rear elevation behind that of the outriggers of No's 10 and 12 and set down in height of the roof, would also ensure that the development assimilates in overall scale with its neighbours, issues positively addressed since the previous appeal decision (3260818).
8. Local examples of development considered comparable to the style of design proposed for the appeal scheme are referred to by the appellant. I have limited evidence of the circumstances of these developments including whether they were for the same type of development, viewed in the same context and permitted under the same planning policies. Consequently, they are not directly comparable to the appeal scheme.
9. The proposed dwelling would be visually harmful to the character and appearance of the area. As such it would fail to accord with Policy GN3 of the West Lancashire Local Plan Development Plan Document 2013 (DPD) which amongst other things, requires proposals to have regard to visual amenity and to complement or enhance its surroundings through sensitive design, siting and scale, objectives shared with the Council's Design Guide Supplementary Planning Document 2008 (SPD).

Living Conditions

10. The main side gable elevation of No 10 is blank and whilst there are windows proposed in the facing side elevation of the proposed dwelling, they would be small and obscurely glazed. There would be no overlooking between neighbouring habitable room windows as a result.
11. A first floor bedroom window exists in the side elevation of the rear outrigger of No 10, which would enable direct close range overlooking of the proposed dwellings' private patio area. This would severely limit the privacy of the future occupiers of the proposed dwelling. As with the previous Inspector (appeal reference 3261193), the blocking up of this window could be secured via a planning condition, were I minded to allow the appeal, given that No 10 is within the same ownership as the appeal site.
12. The proposed development would provide appropriate living conditions for the future occupiers of the proposed dwelling, with particular regard to privacy. The proposal would therefore accord with Policy GN3 of the DPD (2013) which amongst other things, seeks to create reasonable levels of privacy for occupiers of proposed properties, an objective shared with the SPD (2008). It would also

accord with paragraph 130 of the National Planning Policy Framework which requires new development to have a high standard of amenity for future users.

Other Matters

13. Concerns have been raised in respect of the Council's alleged failure to advise the appellant of their recommendation before issuing the decision. This is a matter between the appellant and the Council and is not relevant to my decision.
14. I have had regard to other matters raised by interested parties, comprising but not limited to the removal of trees, cars using the driveway and asbestos contamination. As I am dismissing the appeal on the main issue of character and appearance for the reasons cited above, I have not addressed these matters further.

Conclusion

15. I have found that the proposed development would provide appropriate living conditions for the future occupiers of the proposed dwelling, subject to a condition requiring the relocation of a window within No 10. Nevertheless, this matter does not outweigh my findings in respect of the effect of the proposed development on the character and appearance of the area. For the reasons set out above and having regard to the development plan as a whole and all other relevant considerations, the appeal is dismissed.

M Clowes

INSPECTOR