
Appeal Decision

Site visit made on 30 May 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal Ref: APP/P2365/D/22/3296189

12 Hurlston Drive, Ormskirk, L39 1LD

- 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 Damian Carrol against the decision of West Lancashire Borough Council.
 - The application Ref 2021/1214/FUL, dated 18 October 2021, was refused by notice dated 11 January 2022.
 - The development proposed is loft extension with front and rear dormers.
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Decision

1. The appeal is allowed and planning permission is granted for loft extension with front and rear dormers at 12 Hurlston Drive, Ormskirk, L39 1LD in accordance with the terms of the application, Ref 2021/1214/FUL, dated 18 October 2021, 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: HD12-PO1 Existing and Proposed Plans and Elevations, HD12-PO2 Location Plan, HD12-PO3 Site/Block Plan
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of No 17 Hurlston Drive with particular regard to privacy.

Reasons for the Recommendation

4. The host dwelling is a semi-detached bungalow in a residential area characterised by similar dwellings, set back from the road behind low boundary walls. The proposal would introduce a dormer to both the front and rear elevations creating additional bedrooms and en-suite facilities.

5. The host dwelling faces the side elevation of No 17 Hurston Drive where there appears to be two habitable room windows, one on the ground floor and one serving a first floor room.
6. The West Lancashire District Council Supplementary Planning Document Design Guide (2008) (SPD) states that the minimum distance between buildings, on similar levels, facing back to back should be 21 metres. The Council states that the minimum distance between the proposed dormer window and the side elevation of No 17 Hurlston Drive is approximately 18 metres and this figure has not been disputed by the appellant.
7. Whilst I note that the host dwelling faces the side elevation of No 17, from the evidence before me, the window at first floor level serves a habitable room, so the guidance in the SPD regarding separation distances is relevant. I also note that the existing separation distances between the dwellings does not meet the SPD guidance.
8. The dormer window would be set back from the front elevation increasing the separation distance from that already experience between the buildings. Whilst the proposed windows would be at first floor level, I do not consider that any overlooking from these windows toward the neighbouring property would be significant or more harmful to the living conditions of the occupiers.
9. I conclude that the proposal would not have a significant adverse effect on the living conditions of the occupiers of 17 Hurston Drive, with particular regard to privacy. It therefore accords with Policy GN3 of the West Lancashire Local Plan 2012 – 2027 (2013) which seeks, amongst other things, to retain reasonable levels of amenity for occupiers of neighbouring property.

Conditions

10. I have had regard to the conditions suggested by the Council in line with the advice in the National Planning Policy Framework and the Planning Practice Guidance. In addition to the standard timeframe condition, I consider that a condition requiring the development to be constructed in accordance with the approved plans is necessary for the avoidance of doubt. A condition regarding external materials is also necessary to ensure there would be no harm to the character or appearance of the appeal property or the surrounding area.
11. A condition requiring that the en-suite windows on the side elevation will be obscured is unnecessary as this is indicated on the approved plan.

Conclusion and Recommendation

12. The proposal does not conflict with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding.
13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Hilary Senior

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