



Appeal Decision

Site visit made on 17 May 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: 22 June 2022

Appeal Ref: APP/A2335/D/22/3294448

39 Clougha Avenue, Halton, Lancaster LA2 6NS

- 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 Peter Reid against the decision of Lancaster City Council.
 - The application, ref. 21/01234/FUL, dated 30 September 2021, was refused by notice dated 23 December 2021.
 - The development proposed is described as 'Demolition of existing garage, erection of two storey rear and side extension'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 1.5 storey rear and side extension at 39 Clougha Avenue, Halton, Lancaster LA2 6NS in accordance with the terms of the application, ref. 21/01234/FUL, dated 30 September 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: Elevation Floor Site Location ref. 17-060 001 B.
 - 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 host dwelling.

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 is for a 1.5 storey rear and side extension. 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. I have additionally removed the

superfluous 'demolition of existing garage' from the original description of development in the interests of conciseness.

Main Issue

4. The main issues to be considered are i) the effect of the proposal on the character and appearance of the host dwelling and the surrounding area and; ii) the effect of the proposal on the living conditions of the occupiers of no. 41 Clougha Avenue, with particular reference to outlook and natural light.

Reasons for the Recommendation

Character and Appearance

5. The street scene is principally characterised by large detached 1.5 storey dwellings set back from the public highway. The majority of the surrounding properties are comprised of understated pitched roof dormers with rectangular footprints, render façades and tiled roofs. There are multiple examples of extensions to these dwellings within the area. Although there is little continuity in the scale and design of these extensions, each remains subservient to the host dwelling and utilises matching materials.
6. The proposal would project to the rear of the host dwelling, utilising a simplistic rectangular footprint with pitched roof reflecting the character of the appeal property and dwellings within the wider area. The proposal would incorporate a render façade and tiled roof, further facilitating its harmonisation with the host dwelling and surrounding built environment.
7. Although the footprint of the proposal would be relatively large, the resultant development would not be dissimilar to the scale of other dwellings within the area. The ridge line of the proposal would be kept below that of the appeal property to maintain subservience. The proposal is therefore considered to reflect and compliment the character of the host dwelling and surrounding area.
8. Due to its relationship with the host dwelling, the proposal would be mostly screened by the appeal property when viewed from Clougha Avenue. As a consequence of the topography of the site, views of the proposal from Lythe Fell Avenue would additionally be limited. As a consequence of the restricted views from the public realm, its subservience to the host dwelling, and its reflective design and materials, the proposal is not considered to have an unacceptable impact on the character and appearance of the existing street scene.
9. For the above reasons I conclude that the proposed development would not harm the character and appearance of the host dwelling, wider area, or street scene. Accordingly, I find the proposal would comply with the objectives of Policy DM29 of the Development Management Policies Development Plan Document (2020) which broadly requires development to contribute positively to the character of the area.

Living Conditions

10. Both the appeal property and no. 41 are set back from the shared boundary creating a sizable gap between the two. There are ground and upper floor windows within the end gable of no. 41 facing the rear garden. The ground

level of the rear garden of no.41 rises noticeably, giving it a higher topography than the appeal site.

11. The proposal would be approximately the same distance from the boundary of no. 41 as the existing attached flat roofed garage, retaining the gap between the buildings. This would reduce the impact of the proposal on the outlook and natural light of the occupants of no. 41.
12. Although the proposal would extend beyond the end gable of no. 41, further along the boundary with the rear garden, due to the change in topography the impact of the proposal on the outlook and natural light received from this area would be limited. Furthermore, the 1.5 storey scale of the proposal with pitched roof sloping away from the shared boundary would mitigate any impact on the outlook and natural light received from the end gable windows and garden area of no. 41 to an acceptable level.
13. Within the delegated report the Council states that the proposed extension breaks the 45-degree line from the rear habitable room windows of no. 41. The Householder Design Guide (2014) (HDG) provides additional guidance on this stating that *"the Council uses the '45-degree rule' to help assess impact upon the amenities of the neighbouring dwelling(s)"*.
14. I acknowledge that the Council consider the proposal would fail to accord with the 45-degree guidance contained within the HDG. Nonetheless, as I have not identified any harmful effects there is justification to depart from the guidance in this case.
15. In conclusion, I consider that the proposed development would be acceptable in terms of its effect on the living conditions of the occupants of no. 41 Clougha Avenue. The proposed development would therefore comply with Policy DM29 of the Development Management Policies Development Plan Document (2020) which requires development to ensure there is no significant impact in relation to overshadowing and outlook.

Conditions

16. 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 external materials used match that of the existing dwelling. These conditions are required to preserve the character and appearance of the area.

Conclusion and Recommendation

17. 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

18. 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