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# Appeal Decision

Site visit made on 5 September 2022

**by K Williams MTCP (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> October 2022**

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**Appeal Ref: APP/F2360/W/22/3298560**

**5 East Square, Longton, Preston, PR4 5NL**

- 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 Tom Banks against the decision of South Ribble Borough Council.
  - The application Ref 07/2022/00063/FUL, dated 21 January 2022, was refused by notice dated 8 April 2022.
  - The development proposed is Erection of 1 No. detached bungalow with access off Long Croft.
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## Decision

1. The appeal is allowed and planning permission is granted for the Erection of 1 No. detached bungalow with access off Long Croft at 5 East Square, Preston, PR4 5NL in accordance with the terms of the application, Ref 07/2022/00063/FUL, dated 21 January 2022, and the plans submitted with it, subject to the following conditions set out in the attached schedule.

## Procedural Matter

2. The appeal site comprises the gardens of No.5 and also No.6 East Square. I have used the site address as it appears on the application form. This is because there is no boundary between No.5 and No.6 on the existing site plan, and the Council has also used this address.

## Main Issue

3. The main issue is the effect of the proposed dwelling on the character and appearance of the area.

## Reasons

4. The site is within a residential neighbourhood. Although the appeal site comprises the gardens of No.5 and No.6 East Square, it would be accessed from Long Croft. It is a characteristic of Long Croft that dwelling types and sizes vary, and there is a looser arrangement of buildings and varying size of front garden space between the dwellings and the street. This is in comparison to the very regular development pattern at East Square.
5. The appeal proposal would be set behind the front elevations of both dwellings on East Square. As a single storey structure, it would not appear overly prominent from outside the appeal site, from East Square. Although the corner spaces, like those between No.5 and No.6 are a feature of the area, there is no dispute from the Council in respect of the spatial character of East Square, and I see no reason to disagree.

6. The appeal proposal would be positioned in line with the adjacent bungalow at No.5 Long Croft and would not be set in front of the adjacent 2-storey dwelling at No.4. Both of these properties are set within similar sized plots to the appeal site and have differing degrees of front garden space. I have taken into account that the development is sited within an existing garden, however the density of the appeal proposal, which is informed by the proximity of buildings and the spaces in between them, would be reflective of the existing area, and particularly reflective of the disposition of the adjacent bungalow at No.5 Long Croft. Therefore, although the appeal proposal is sited within an existing garden, it would not be discordant to the grain and density of the area's prevailing character.
7. Most properties on Long Croft face the street, and it is a common feature that they have some space in front of their dwelling. I acknowledge that the appeal proposal would not have similar space and would appear close to the pavement. However, as most front gardens appear hard paved/landscaped, with limited vegetation, the appeal proposal would not appear significantly at odds with this. Nevertheless, the appeal proposal also has relatively low eaves and sloping roof design and in combination with the low ridge would still afford longer distance views across the rear of properties on East Square. As noted above, the siting of the appeal proposal is reflective of the grain of the area, and the spacing in front of existing dwellings is varied. Therefore, whilst the proposal would form a visual stop to the end of Long Croft, it would not appear out of place, be overbearing or unduly prominent.
8. The appeal proposal consists of a bungalow, of similar external appearance, proportions, and height as the adjacent bungalow at No.5 Long Croft. It would be subservient to the two-storey dwellings to the rear on East Square and adjacent at No.4 Long Croft. The appeal proposal would incorporate facing brickwork, interlocking roof tiles and stone detailing which would adequately reflect the existing use of materials in the area. The fenestration would be well balanced. The appeal proposal would therefore successfully integrate with the external appearance, massing, and form of buildings in the established setting and therefore reinforce local distinctiveness in this respect.
9. Consequently, the proposal would not harm the character and appearance of the area. It would accord with the South Ribble Borough Council Local Plan 2012-2026 (Local Plan) Policies B1 and G17, insofar as they require developments to comply with the requirements for parking and respect the character and appearance of the area. It would also accord with the National Planning Policy Framework (the Framework) where it states developments should be sympathetic to local character.

### **Other Matters**

10. I understand local residents have concerns regarding highway safety, parking, deliveries, the condition of the existing highway, 'rat running' across the site and the use of Long Croft as the access. The highway effects were assessed by the Local Highway Authority and found to be acceptable. The Council's officer report concluded this aspect of the proposal was in accordance with the development plan. I have considered these matters in my decision, but I have no substantive evidence to arrive at a different conclusion.
11. The Council has set out that the appeal proposal would be satisfactory in respect of residential amenity and living conditions of occupiers of the adjacent

dwellings on Long Croft and East Square. I see no reason to disagree with their assessment, particularly as the appeal proposal is sited to prevent overlooking and is single storey.

12. Whilst the scheme may have been amended, those details are not before me to compare. In any event, I have made my own assessment on the individual merits of this scheme.
13. The future intentions of the appellant regarding the appeal proposal being used as a bedsit is not a matter before me, and there is no substantive evidence this is a realistic prospect. I note concerns about the provision of dormer windows, however in this respect, I have imposed a condition to remove certain permitted development rights, and therefore if such a proposal were to come forward it would be able to be judged on its own merits.

### **Conditions**

14. The Council have put forward a list of conditions should the appeal be allowed. The appellant was able to comment on these, and I have taken the comments into account. I have also assessed these in light of the requirements of the PPG and the Framework and have amended the wording where I consider it is necessary and removed duplication. I impose the standard timeframe condition in order to comply with the legislation and a condition referencing the approved plans for the avoidance of doubt.
15. A number of conditions are necessary to safeguard neighbouring residential amenity before and during construction. These include conditions to require the submission of a dust management plan (condition 3), measures to control burning on site (condition 4) and construction requirements (condition 5). In the interest of ensuring the site can be made suitable for residential use, a contaminated land condition (condition 6) and a sustainable drainage condition (condition 7) has been imposed. As the above information is not before me, I consider these elements are all required prior to the commencement of the development.
16. I have imposed a condition to secure appropriate materials in the interest of the appearance of the proposed development (condition 8). Conditions 9, 10 and 11 are imposed in the interests of the character and appearance of the area and in the interest of highway safety. Conditions 12 and 13 have been imposed to encourage more sustainable modes of travel.
17. Condition 14 has been added to allow the Local Planning Authority the right of control over certain permitted development. I have removed the restriction of porches within Class D, as this would not be significant development. Although the appellant does not wish for Class E to be imposed, I consider that this is necessary given the surrounding proximity of residential properties and therefore in the interests of neighbouring living conditions.

### **Conclusion**

18. The appeal proposal would accord with the development plan as a whole, and the Framework. There are no material considerations which indicate a decision otherwise than in accordance with it.

19. For the reasons given above, the appeal should be allowed.

*K Williams*

INSPECTOR

### **Schedule of 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 approved plan: drawing no. 22.002.pl.01.
- 3) No development shall take place, until measures to control the emission of dust during construction has been submitted to and approved in writing by the local planning authority. The approved measure to control the emission of dust shall be adhered to throughout the construction period for the development.
- 4) During the course of the construction period there shall be no burning of waste material or vegetation on site.
- 5) No machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays. No construction shall take place at any time on Sundays or Bank Holidays.
- 6) No development shall commence until, the following information shall have been submitted to and approved in writing by the Local Planning Authority:
  - a) A full desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases, in line with BS10175:2011 +A1:2013.
  - b) If the desk study identifies potential contamination and/or ground gases, a detailed site investigation shall be carried out to address the nature, degree, and distribution of contamination and/or ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.
  - c) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
  - d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.
- 7) Development shall not commence until details of a sustainable surface water drainage scheme and a foul water drainage scheme shall have

been submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- a) an investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- b) a restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- c) levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- d) incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- e) separate systems of foul and surface water drainage.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and thereafter retained for the lifetime of the development.

- 8) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing no. 22.002.pl.01.
- 9) For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.
- 10) The development hereby permitted shall not be occupied until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads and shall thereafter remain in perpetuity.
- 11) The development hereby permitted shall not be occupied until the car parking spaces have been surfaced in accordance with a scheme to be approved by the Local Planning Authority. Thereafter the development shall be implemented in accordance with approved details. The car parking spaces shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 12) The development hereby permitted shall not be occupied until a scheme for electric vehicle charging infrastructure has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved scheme and thereafter retained.

- 13) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. 22.002.pl.01. for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no development of the type described in Class A, AA, B, C, and E of Part 1 of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority.

**End of Schedule**