



Appeal Decision

Site visit made on 20 September 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 15th November 2022

Appeal Ref: APP/P2365/D/22/3302583

3 Sunnyside, Aughton, Ormskirk, L39 6RL

- 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 Ms S Cavadino against the decision of West Lancashire Borough Council.
 - The application Ref 2022/0173/FUL, dated 21 February 2022, was refused by notice dated 14 April 2022.
 - The development proposed is demolition of extension facing on to Sunnyside to be replaced by a two storey extension with internal works to provide an additional bedroom.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the neighbouring residential occupiers of 5 Sunnyside.

Reasons

3. No 3 is a 2 storey mid terrace dwelling. It forms part of a short row of properties, all of which have extensions to their front elevations. The extensions vary in terms of their sizes and styles, resulting in a somewhat mixed character and appearance.
4. The proposal would replace a single storey extension to the front of the appeal property. It would comprise a 2 storey gable end extension with a single storey monopitch roof extension beyond. The 2 storey part would be the same length as the 2 storey extension to No 1 and its ridge and eaves would be similarly set below the main ridge and eaves height of the terrace. The proposal would adjoin the boundary with No 1 but, for much of its length, it would be set in from the shared boundary with No 5.
5. The Council has no concerns in relation to the design of the proposal or its effects on the residential occupiers of No 1. In the context of the varied extensions along the row, I also find that the proposal would not harm the character and appearance of the host property or the area. Taking into account its relationship to No 1, the proposal would not be detrimental to the occupiers of that property in terms of factors such as overlooking or outlook.
6. However, the proposal would be in close proximity to the single storey front extension to No 5, which has a bedroom window in the facing side elevation. This habitable room window currently looks out at the modest single storey flat

roof extension and small shed to the front of No 3, with the larger 2 storey extension to No 1 beyond. The plans indicate that the proposal would be opposite and somewhere around 2.5m from the bedroom window.

7. Irrespective of whether or not it would be closer to the neighbouring bedroom window than the existing extension, the proposal would be a significant increase in the size and scale of built development in this location. While the existing bedroom outlook may be somewhat uninspiring, the proposed extensive and largely blank walls would result in a sense of enclosure and a significantly poor outlook from the neighbouring window. By virtue of its scale, height, length and proximity, the proposal would be overbearing to the neighbouring occupiers in their bedroom. The poor condition of the shed does not justify the proposal.
8. The proposal would be roughly west of the neighbouring extension, which the photographs illustrate is partly in sunlight for part of the day. I cannot be certain whether or not there would be a loss of direct sunlight to the bedroom window. However, the increased scale of the proposal would result in additional overshadowing of the side elevation of No 5. It seems reasonably likely that there would be a reduction in daylight to the habitable room including later in the day and at times of year when the sun is at it highest. This would exacerbate the detrimental effects on the neighbours.
9. Therefore, the proposal would harm the living conditions of the residential occupiers of 5 Sunnyside, with particular regard to outlook and overbearing. It would conflict with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document Adopted October 2013. This requires, among other things, that proposals retain reasonable levels of amenity for the occupiers of neighbouring properties. It would also conflict with the aims of the Supplementary Planning Document Design Guide Adopted January 2008 including in relation to the impacts of overbearing on residential amenity.

Other Matters

10. The appellant has a family and her children attend nearby schools. Larger family dwellings in the area are prohibitively expensive and she wishes to extend No 3 to better meet the family's needs. The proposal would provide enhanced living accommodation suitable for family occupation including an additional bedroom and bathroom and improved kitchen and dining areas. This would be a private benefit to the appellant. Based on the evidence, the personal circumstances carry little weight in favour of the proposal.
11. The appellant considers the permission for the neighbouring extension (ref 2010/0416/FUL) is detrimental to her as she cannot now extend No 3 in a similar manner to neighbouring properties. However, I am not aware that there would be no acceptable alternative scheme in this location that could deliver enhanced living accommodation without the harm that I have found.
12. Planning permission (ref 2000/0476) was granted historically for a part single/ part two storey extension across the fronts of Nos 3 and 5. The permission was not implemented and No 5 was subsequently extended separately (ref 2010/0416/FUL). There is little evidence that permission ref 2000/0476 would be a realistic fallback position or that it provides a justification for the scheme, which would be to the front of No 3 only.

13. The parties corresponded with each other in January 2022 following refusal of a previous planning application (ref 2021/1042/FUL). While the appellant did engage with the Council's pre-application advice service in relation to the earlier application, no formal pre-application advice appears to have been sought in relation to the appeal scheme. Advice received in respect of the earlier proposal does not weigh in favour of the appeal scheme.
14. Although the appellant discussed the proposals with the owner of No 5, I am not aware that the neighbouring occupier either supports or objects to the proposal. Irrespective, I am required to be mindful of the proposal over its lifetime and its impact on both existing and future occupiers.
15. While large extensions have been constructed nearby, full details have not been provided. Even accepting that some are of similar scale and design to the proposal, there is little evidence that they are directly comparable including in terms of their relationship to neighbouring dwellings and habitable room windows. They do not provide a justification for the proposal which must in any case be considered on its individual merits.

Conclusion

16. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
17. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR