



Appeal Decision

Site visit made on 12 December 2022

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2023

Appeal Ref: APP/P2365/D/22/3303414

Bewick House, 31 Victoria Road, Aughton L39 5AU

- 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 Colin Higginson against the decision of West Lancashire Borough Council.
 - The application Ref 2022/0039/FUL, dated 19 October 2021, was refused by notice dated 20 May 2022.
 - The development proposed is conversion of existing garage and construction of a first floor to provide ancillary accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on: -
 - the character and appearance of the host dwelling and the surrounding area; and
 - the living conditions of the occupiers of 25 Liverpool Road by reason of privacy.

Reasons

Character and Appearance

3. The appeal site comprises a detached house and land associated with it. It extends from its access from Victoria Road to a boundary with Liverpool Road. The area is characterised by the spacious settings of the houses and the land around them; 31 Victoria Road positively contributes to this character. It has a long access from Victoria Road, a generous sized garden together with an additional long linear area of garden from its driveway up to its boundary with Liverpool Road.
4. The house is set back from Victoria Road at the end of a cul-de-sac but it can be seen from the road. From Liverpool Road, the house and its garage are set back behind 23 Liverpool Road and so views of it are limited from this road. There is a public footpath which runs between Victoria Road and Liverpool Road along the boundary with the appeal site although views of the house are restricted due to high fencing and vegetation. Despite some views of the house being partly obscured it is a large property in an urban area and as well as views of it from various public areas, it is also visible from neighbouring properties and so has a presence in the context of the surrounding area.

5. The existing garage appears as a lower, subservient component to the house and its roofscape. However, extending it upwards as proposed would create a prominent and disproportionate addition to the house. Due to its scale and design, it would be bulky and incongruous and appear out of keeping with the proportions, roofscape and overall design of the existing house.
6. For the above reasons, the proposal would have a harmful effect on the character and appearance of the host dwelling and the surrounding area and fail to meet the design standards of Local Plan¹ Policy GN3 or guidance DP 5 of the Council's SPD². These require high quality design that should be of an overall scale, mass and built form, including the roofline, that responds to the characteristics of the site and its surroundings.

Living Conditions

7. Whilst 23 Liverpool Road is located to the front of 31 Victoria Road, 25 Liverpool Road is closer as it is set back from Liverpool Road and so closer to No 31. Also, its rear garden adjoins the boundary with No 31 which would mean that the first floor windows to the proposed first floor extension to the converted garage would overlook No 25's garden area close to the house itself. Furthermore, although the proposed windows would be at right angles to the house at No 25 and so there would be no direct overlooking of the windows in the rear elevation of the house itself, unacceptable overlooking would still occur towards the rear of the house and to the garden area close to it as well as to the garden generally.
8. I note the appellants suggestion that the windows in the bedroom that would overlook No 25 could be obscurely glazed but I do not consider obscurely glazing the windows to a habitable room is appropriate given the living conditions that could reasonably be expected from future occupiers in terms of outlook.
9. The proposal is not described on the application form as a new dwelling but the second reason for refusal refers to it as a new dwelling and the Council in its officer's report refer to it as such. Despite having the characteristics of a separate dwelling in that it would provide two-bedroom self-contained living accommodation, it is described as ancillary accommodation by the appellant.
10. The submitted plans do not indicate any specific designated amenity space but given that the application is for ancillary accommodation, in practice none may be required. In any case, the house itself has separate areas of amenity space including a substantial enclosed garden as well as a long strip of garden and a small patio area none of which would be affected by the proposal. Therefore, on the basis of it not being a separate dwelling, I do not consider that the lack of a designated area of amenity space would create unacceptable living conditions for the future occupiers of the development.
11. For the above reasons, the proposal would have a harmful effect on the living conditions of the occupiers of 25 Liverpool Road, with regard to privacy. As such, it would conflict with Local Plan Policy GN3, which amongst other things, seeks to protect reasonable levels of privacy.

¹ West Lancashire Local Plan 2012-2027 Development Plan Document, October 2013.

² West Lancashire District Council Supplementary Planning Document Design Guide January 2008.

Other Matters

12. The appellant has explained that the accommodation would be required to meet specific personal circumstances required by his family. Whilst the accommodation itself would be self-contained its proximity would enable family members to be accommodated independently whilst close enough to benefit from the necessary family support. I sympathise with these requirements and appreciate that the proposal would provide a solution for the appellant's family's needs. However, the proposal would involve the creation of a substantial and permanent extension that due to the reasons set out above is not justified by these personal circumstances.

Conclusion

13. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR