



Appeal Decision

Site visit made on 7 February 2023

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 6th March 2023

Appeal Ref: APP/M2325/D/22/3310380
5 Seafield Road Lytham St Annes FY8 5PY

- 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 Robert Bland against the decision of Fylde Borough Council.
 - The application Ref 21/0489, dated 24 May 2021, was refused by notice dated 16 August 2022.
 - The development proposed is the erection of a detached outbuilding to rear providing garage with first floor ancillary accommodation to replace existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for a detached outbuilding to the rear providing a garage with first floor ancillary accommodation at 5 Seafield Road Lytham St Annes FY8 5PY in accordance with the terms of the application, Ref 21/0489, dated 24 May 2021, and the plans submitted with it, 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: Proposed Plan and Elevations F/21/75/01 Rev B and Location Plan.
 - 3) Before the outbuilding hereby permitted is first occupied the windows at first floor level in the eastern elevation of the outbuilding facing Swainson Street, serving the accommodation as shown on the approved plan, shall be obscurely glazed to a specification of no less than 3 on the Pilkington Glass Scale. The windows shall be non-opening unless the parts of the windows that can be opened, are more than 1.7 metres above the floor level of the room in which the windows are installed. The duly installed windows shall be retained as such thereafter.
 - 4) No development shall commence until details of the materials to be used in the construction of the external surfaces of the outbuilding hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. I have adopted the Council's description of the development as this describes the development more accurately. I note too that this description has been adopted by the agent in the appeal form.
3. The scheme was revised during the course of the application. My decision is based on the revised plan F/21/75/01 Rev B as considered by the Council.

Main Issues

4. The main issues in this appeal are the effect of the development on (i) the character and appearance of the area having regard to its conservation area status and (ii) the living conditions of the occupiers of Nos 4 and 6 Swainson Street with particular reference to outlook/sense of enclosure and privacy, and of future occupiers of the ancillary accommodation with reference to outlook.

Reasons

Character and Appearance

5. The appeal property, No 5 Seafield Road (No 5) is a large Victorian villa situated within the Lytham Conservation Area (LCA) where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the area.¹ In addition, the National Planning Policy Framework (the Framework) states that great weight should be attached to the conservation of designated heritage assets, in this case the LCA. The proposed outbuilding, the subject of the appeal, would replace the existing single storey garage and brick rear boundary wall, which is sited on Swainson Street, to the rear of No 5 Seafield Road.
6. There is no LCA appraisal before me but I note that the LCA compromises the town centre, seafront promenade and large detached period properties in spacious grounds running north from Lytham Green. The Council indicate that Swainson Steet historically provided access to the large properties on Seafield Road and I have no reason to disagree with this assessment. However in contrast to Seafield Road, Swainson Street compromises a modern style of development reflecting an evolution of this part of the LCA. Whilst there are a number of older single storey garages, including the garage proposed to be replaced, at the northern end of Swainson Street, the road as a whole is now dominated by residential dwellings of varying designs, size and height. The design, scale and juxtapositioning of the dwellings give the area a modern and attractive streetscape whilst reflecting the historical context of Swainson Street.
7. The proposed outbuilding at 1 ½ storeys high, would be more substantial than the garage it would replace. Notwithstanding that it would be higher than the single storey outbuildings on this side of Swainson Street, it would not be at odds with the general scale and height of development found elsewhere on the street. Whilst it would be visible in views from Church Road, it would be seen in the context of the differing heights and scale of dwellings on Swainson Street

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

and in particular, the taller dwellings sited at its northern end towards its junction with Church Road.

8. The existing garage has no special architectural merit and its appearance does not enhance the area. Its removal would be a positive factor in support of the scheme. The proposed mews type design of the outbuilding would reflect the historical character of Swainson Street and would be consistent with the design approach seen elsewhere on the street. As such it would not draw the eye or be an incongruous addition to the streetscene and area. Nor would the pitch roof and gable fronted dormers detract from the character and appearance of the area given the variety of roof forms and roof slopes within Swainson Street observed on my site visit. As such the development would not cause harm to the character and appearance of the area.
9. Accordingly the proposal would not cause harm and thereby would preserve the character and appearance of the LCA. Accordingly it would comply with Policies GD7 and ENV5 of the Fylde Local Plan to 2032 (incorporating Partial Review) (Local Plan) which require development to relate well to the surrounding context, to conserve and enhance the built and historic environment and not to have an unacceptable impact on the townscape. The proposal would also comply with the Framework which requires development to be sympathetic to local character whilst enhancing the significance of heritage assets.

Living Conditions

10. The proposed outbuilding would face eastwards towards Nos 4 and 6 Swainson Street, located almost directly opposite to the appeal site. Swainson Street has no pedestrian footways and the juxtapositioning of the dwellings directly next to the highway already create an enclosing effect. I observed on my site visit that short interface distances are a characteristic of development on Swainson Street. The proposed outbuilding would be wider and higher than the existing garage. However its eaves height would be less than the high peak of the gable front of the existing garage and its ridge height would be sited further away from the highway. These features would ensure that the outbuilding would not result in a significant over enclosing impact on the residential amenity of the occupiers of Nos 4 and 6 Swainson Street.
11. I note that whilst the Council have expressed concerns about the impact of the proposed outbuilding in relation to loss of sunlight at Nos 4 and 6 Swainson Street, they have not referred to it within the reason for refusal. Given the positioning and height of the dwellings on Seafield Road the proposal would not impact significantly in this regard.
12. The dormer windows in the front elevation would face Nos 4 and 6 Swainson Street. In relation to privacy, the proposal provides for these windows to be obscured glazed. This would avoid any perception of overlooking from these windows. The extent of the opening of the windows to allow for an openable gap in the upper pane and to achieve natural cross ventilation could be imposed by way of a condition. This would mitigate any perception of overlooking when the windows are open and would ensure no loss of privacy from these windows.
13. The Council is concerned that obscure glazing would not provide an adequate level of amenity for the occupiers of the outbuilding. However, I note that the

rooms would also be served by clear glazed roof lights and so these windows would not be the only source of light for these rooms. Given the intended use of the accommodation for ancillary living, I am satisfied that this would provide sufficient light and outlook for adequate living conditions when the outbuilding is occupied.

14. Therefore I conclude that the proposal would not harm the living conditions of the occupiers of Nos 4 and 6 Swainson Street, nor those of the occupiers of the ancillary accommodation. As such it would not be contrary to Policy GD7(c) and (h) of the Local Plan which require development not to adversely affect the amenity of neighbouring users and to be sympathetic to surrounding land users and occupiers. It would also not conflict with the Framework which seeks to ensure a good standard of amenity for all occupiers of land and buildings.

Other Matter

15. The proposal would provide for the provision of off road parking for 2 vehicles that meet current parking standards. As such the development would not compromise existing highway arrangements or highway safety. In this respect I note that the Council do not object to the proposal. Consequently, the provision of such parking would amount to a positive factor in support of the scheme.

Conditions

16. In addition to the standard time and plans condition imposed in the interests of certainty I have imposed a condition in relation to obscure glazing to the windows facing Swainson Street to protect privacy and the living conditions of neighbouring residential occupiers. In addition, I have imposed a pre commencement condition to require the submission of sample materials and to ensure a satisfactory appearance to the outbuilding is achieved.

Conclusion

17. I therefore conclude that the proposal would not conflict with the Development Plan nor the Framework. Accordingly for the reasons given above, and having regard to all matters raised, I allow the appeal as set out in the formal decision notice above.

K Winnard

INSPECTOR