



Appeal Decision

Site visit made on 2 March 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/A2335/D/23/3314080

8 Woodlands View, Over Kellet, Lancashire LA6 1DW

- 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 H Trevvet against the decision of Lancaster City Council.
 - The application Ref 22/01378/FUL dated 7 November 2022, was refused by notice dated 22 December 2022.
 - The development proposed is construction of elevated walkway incorporating balustrade.
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Decision

1. The appeal is allowed and planning permission is granted for Construction of elevated walkway incorporating balustrade at 8 Woodlands View, Over Kellet, Lancashire LA6 1DW in accordance with the terms of the application, 322/01378/FUL dated 7 November 2022, 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, Location plan entitled 8 Woodlands View, Over Kellet, Lancashire, LA6 1DW, Drg. No's: A3-02 Rev.B, P01, P02, P03, P04, P05 and P06.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the application form.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of No's. 7 Bay View and 7A Woodlands.

Reasons

3. The site is a detached property which is undergoing renovation. There is a larger rear extension expanding the full width of the property at the rear being constructed. This extension has floor to ceiling glazing on both the rear and side elevations. The rear garden of the site slopes away from the property significantly, due to the topography the extension and property are elevated.

4. I observed during my site visit that there is a degree of mutual overlooking between properties in the area, and also noted that in the wider area balconies are not uncommon.
5. The proposed walkway would extend from the existing pathway adjacent the boundary with 7A Woodlands wrapping around the rear extension and along the side of the property adjacent the boundary with 7 Bay View.
6. Due to the elevated position of the property and topography of the site it is obvious that the proposed development would provide views towards adjacent neighbouring properties. Notwithstanding this there is currently unrestricted views from the rear extension which has significant amounts of glazing on the rear and side elevations and from existing windows on the side elevations of the property.
7. Whilst the walkway would project closer to the neighbouring properties, the rear extension and internal rooms allow overlooking all year around, unlike a walkway which the use of would reasonably be dependent on the weather.
8. I find that the walkway would not exacerbate the existing situation and there would not be any additional loss of privacy to the occupiers of neighbouring properties.
9. I conclude that the proposed development would not harm the living conditions of the occupiers of No's. 7 Bay View and 7A Woodlands.
10. There is no conflict with Policy DM29 of the A Local Plan for Lancaster District 2011-2031, Part Two: Review of Development Management DPD (2020) which seeks amongst other things to ensure development protects the living conditions of neighbouring properties.
11. There is also no conflict with the National Planning Policy Framework (2021) which seeks to ensure developments maintain a high standard of amenity for existing and future users.

Conclusion and Conditions

12. For the above reasons I conclude that this appeal should be allowed.
13. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.

C Pipe

INSPECTOR