The Planning Inspectorate

Appeal Decision

Site visit made on 27 February 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2023

Appeal Ref: APP/U2370/D/22/3308363
47A Briar Road, Thornton-Cleveleys FY5 4NB

- 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 T Buschini against the decision of Wyre Borough Council.
- The application Ref 22/00615/FUL, dated 9 June 2022, was refused by notice dated 21 September 2022.
- The development proposed is a double storey side and single storey rear extension following the demolition of an existing integral garage. Alterations to all elevations and formation of a rear facing balcony above the single-storey extension.

Decision

1. The appeal is allowed, and planning permission is granted for a double storey side and single storey rear extension following the demolition of an existing integral garage. Alterations to all elevations and formation of a rear facing balcony above the single-storey extension at 47A Briar Road, Thornton-Cleveleys FY5 4NB in accordance with the terms of the application, Ref 22/00615/FUL, dated 9 June 2022, and the plans submitted with it, subject to the following conditions:

    1) The development hereby permitted shall be carried out in accordance with the following approved plans: 22012_LOC; 22012_10S; 22012_11S; 22012_100; 22012_110 REV B; 22012_410; 22012_411.

Preliminary Matters

2. At the time of my site visit I saw that development had commenced and an extension and alterations to the property were being undertaken at the property. For the avoidance of doubt, I have dealt with the appeal on the basis that planning permission is sought for the extension as reflected in the description of the development, and in accordance with the drawings submitted.

3. Since the Council made their decision, the Wyre Local Plan (2011-2031) (incorporating partial update of 2022) has been adopted (the LP). It is a revised replacement for the Wyre Local Plan (2011-2031) 2019. Neither main party has suggested the adoption of the plan has any implications for the appeal. I have determined the appeal accordingly.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of 49 Briar Road (No. 49) in respect of outlook and light.

Reasons

5. The appeal property is a detached house on a plot on Briar Road which has a narrow frontage and widens towards the rear. The house is set back from the road towards the rear of the plot. It is separated from its neighbour at No.49 by a mature privet hedge. The front corner of the two-storey side extension is close to this boundary; however, the orientation of the appeal property means that its side elevation diverges from the boundary from this point.

6. No. 49 is a Dutch style bungalow set slightly forward of the appeal property. It has a bedroom window at ground floor level in the side elevation. The boundary hedge is high and therefore the outlook from the bedroom is currently limited.

7. Although the proposal would add significant height to the property along the shared boundary, the orientation of the two-storey side elevation would mean that the bedroom at ground floor level in No. 49 would not be unduly affected by the proposal. Given the orientation of the proposal to the boundary with No.49 it would not dominate the outlook from either the ground floor bedroom. Furthermore, I have not been presented with any substantive evidence that the proposal would lead to an unacceptable loss of either sunlight or daylight to either the bedroom or rear garden of No. 49.

8. For the reasons given, the proposal would not have an unacceptable effect on the living conditions of the occupiers of No.49 with regard to either outlook or light. The proposal would not conflict with the Policy CDMP3 of the Wyre Local Plan 2022 which, amongst other things, seeks to ensure that development is of high quality and does not unacceptably affect the amenity of occupants and users of surrounding or nearby properties. There would also be no conflict with advice set out in the Council's Extending Your Home Supplementary Planning Document 2007, nor with the objectives of the National Planning Policy Framework (the Framework) to protect the amenity of existing users.

Other Matters

9. I have had regard to the representation made on the planning application with respect to the impact of the proposal on the boundary hedge between the appeal property and No.49. The ground floor of the proposed side extension was in situ at the time of my site visit and although the front corner of the extension is close to the hedge, the remaining length of the side elevation is some distance from it. Notwithstanding the concern raised I have no evidence before which would lead me to conclude that the hedge would need to be removed to facilitate the remainder of the development.

10. Concern has also been raised regarding the scale of the proposal. Whilst I appreciate that the proposed extension would be large, the relationship with the road frontage and other properties in the locality would mean that it would not appear out of place in its surroundings. I have not been presented with any compelling evidence that would lead me to reach a different conclusion on this matter.

Conditions

11. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. I agree that a plans condition is necessary and reasonable in the interests of certainty. The Council have suggested a matching

materials conditions, however, the plans show the proposal would be finished in render, stone and timber cladding which are clearly shown on the approved plans. As the materials are acceptable to the character and appearance of the property the condition is not necessary. The development has commenced; therefore, it is not necessary to impose the standard time limit condition in this case.

Conclusion

12. For the reasons set out above, having considered the development plan as a whole, and all other matters raised, I conclude that the appeal should be allowed.

K L Robbie

INSPECTOR