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## Appeal Decisions

Site visit made on 3 May 2023

**by D Moore BSc (HONS), PGDip, MCD, MRTPI, IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 May 2023**

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### **Appeal A: APP/M2325/Y/22/3297697**

#### **Second Floor Flat, 11 East Beach, Lytham St Annes FY8 5ET**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Tony Eade against the decision of Fylde Borough Council.
  - The application Ref 21/0787, dated 19 August 2021, was refused by notice dated 28 October 2021.
  - The works proposed are "rear extension to provide two additional bedrooms and bathroom to serve existing second floor apartment above existing two storey outrigger".
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### **Appeal B: APP/M2325/W/22/3297633**

#### **Second Floor Flat, 11 East Beach, Lytham St Annes FY8 5ET**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of an application for planning permission.
  - The appeal is made by Mr Tony Eade against the decision of Fylde Borough Council.
  - The application Ref 21/0786, dated 19 August 2021, was refused by notice dated 28 October 2021.
  - The development proposed is "rear extension to provide two additional bedrooms and bathroom to serve existing second floor apartment above existing two storey outrigger".
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## **Decisions**

### *Appeal A*

1. The appeal is allowed, and listed building consent is granted for a rear extension to provide two additional bedrooms and bathroom to serve existing second floor apartment above existing two storey outrigger at Second Floor Flat, 11 East Beach, Lytham St Annes FY8 5ET in accordance with the terms of the application Ref 21/0787, dated 19 August 2021, subject to the following condition:
  - 1) No works shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension 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 / samples.

### *Appeal B*

2. The appeal is dismissed.

### **Application for costs**

3. An application for costs was made by Mr T Eade against Fylde Borough Council. This application is the subject of a separate Decision.

### **Preliminary Matters**

4. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. These decisions result in an approval of listed building consent and a refusal of planning permission. The listed building consent has limited value, but I am obliged to reach separate decisions based on the matters relevant to each appeal.

### **Main Issues**

6. The main issues are:
  - The effect of the development on the living conditions of neighbouring occupiers with regard to light and outlook.
  - Whether the proposal would preserve a Grade II listed building, 11 East Beach, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Lytham Conservation Area.

### **Reasons**

#### *Living Conditions*

7. The appeal relates to a second-floor flat, within a two and a half storey, end-of-terrace building, which has been divided into three apartments across each floor. The building has been extended at the rear through the addition of a two-storey outrigger across part of its rear elevation. The proposal seeks to add an additional storey to the outrigger, which would increase the floor area of the second floor flat and provide two further bedrooms and a bathroom. The ridge of the extension would remain lower than the ridge of the original building and would join the roof at right angles.
8. The flat below, at first floor level, has a bedroom window at the rear. The top of the window is level with the current ridge height of the outrigger. There is also a landing window serving the first floor flat, which faces towards the pitched roof of the outrigger. The Council is concerned that the development would lead to a material loss of outlook and light to the neighbour's windows.
9. The appellant has submitted a Neighbouring Daylight and Sunlight Study (November 2020), which follows the guidance of the Building Research Establishment (BRE) document "Site Layout Planning for Daylight and Sunlight". The study concludes that there would be no impact on levels of sunlight to the neighbour's bedroom window due to its north facing orientation, and the effect of an existing rear extension at the adjoining property. The study also assessed levels of daylight and concludes there would be a low impact on the light received, which would be only marginally outside of that which the BRE guidance indicates would be acceptable.

10. I accept that there would be no effect on the levels of sunlight received and the impact on daylight levels would be relatively low. However, I must also consider outlook. There is an existing extension to the rear of No 10, which extends to roof height. The addition of a second floor over the outrigger on the other side of the affected window would lead to a loss of outlook due to the 'tunnel effect' that would be created. This would have a negative impact on the living conditions of the occupants which, when combined with the impact on levels of daylight, would be material in my judgement. I appreciate that the affected window serves a bedroom, which the BRE guidance acknowledges as less important than, for example, living rooms. However, the bedroom is a main habitable room. It has only one window and, having conducted a site visit which included the affected room, I consider the impact would be unacceptable in this case.
11. The appellant argues that outlook would not be affected since the only views are towards the rear gardens. However, it is not the quality of the view that is determinative. In this case, the outlook from the affected window would be dominated by walls either side. While this is already the case, to a certain extent, it would be made worse by the addition of a further storey at second floor height. On this basis, it is not possible to reach a conclusion that outlook would be unaffected as suggested.
12. I note there is a further window serving the landing area of the first floor flat, which would be affected by the development. However, despite the use of the landing as a home office, this area cannot be considered a main habitable room and any loss of daylight/outlook would not materially affect living conditions.
13. I am referred to a previous decision for a second-floor rear extension at No 5 Central Beach (Ref 21/0006), which the Council approved in May 2021. It is not clear from the submitted information whether living conditions were a main issue. In any event, the site-specific circumstances in this case lead me to a conclusion that the development would have an adverse effect on the living conditions of the occupiers of the first floor flat at No 11 East Beach due to a loss of daylight and outlook. This would be contrary to Policy GD7 of the Fylde Local Plan, which seeks to protect residential amenity and the National Planning Policy Framework (the Framework) insofar as it seeks to protect the amenity of existing and future occupants.

#### *Designated Heritage Assets*

14. The building was listed in 1971 (Ref: 1196399) and dates from the nineteenth century. It is constructed from red brick and has a steeply pitched slate roof, with a gabled wing. The building has been altered to provide accommodation in the former attic, and there are rear extensions. The listing description refers to it being part of a noteworthy seaside development of villas and boarding houses. I find the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the form and architectural details of the building, and its seafront location and position within the terraced group.
15. The extension would be confined to the rear of the property and would sit above a previous rear addition. The roof would replace a pitched roof and a flat roof, which have been added incrementally to the building when it was extended. The extension would be visible from the rear garden of the property, and others nearby, and from Shepherd Street which functions as a service road.

16. The extension has been designed to reflect the size and proportions of the rear addition on which it would be located and, hence the windows have a horizontal emphasis as opposed to the vertical emphasis of the historic design. Also, the roof pitch would be relatively shallow to lessen its overall impact. However, the property has been extensively altered at the rear in common with other buildings in the terrace. The development would unify the roof details at the rear and the resulting gable would reflect the form of the gabled wing which projects to the side of the building.
17. The Council is concerned about obscuring the remaining rear elevation and a large chimney stack. The chimney would be retained, and the plans indicate the stack would be incorporated into the internal design. The historic chimney would remain visible in the street scene. I agree that the development would add bulk to the building, but this does not mean it would be unacceptable. Its form and design would not affect the historic architectural details of the listed building which are associated with its significance. The Council indicates that timber windows would be preferable to UPVC. However, the new windows would form part of a modern extension and reflect those on the floors below.
18. Internally, the extension would be accessed via an existing opening and there would be very little loss of historic fabric. The development would be read as an extension, and the internal layout would be largely unaffected. I conclude, therefore, that the special interest of the listed building would be preserved.
19. The Lytham Conservation Area covers an area encompassing the seafront and nearby avenues. Its significance is derived from the historic street layout, the architecture and detailing of individual properties and its historic associations as a popular seaside resort, which rose to prominence in the Victorian and Edwardian eras.
20. Although the works would add bulk to the building, the extension would be seen in the context of other more recent additions at the rear of the property. The building would still be evident as a seaside villa and its key design features would not be harmed. In addition, case law has established that proposals must be judged according to their effect on a Conservation Area as a whole and must, therefore, have a moderate degree of prominence. The extension would be visible but not overly prominent and would not stand out as an inappropriate addition. Given the above, I find that the proposal would not be detrimental to the Conservation Area and would, thus, preserve its significance.
21. A condition to require samples of materials would be required prior to works commencing to ensure the brickwork and roofing materials would be appropriate to the setting.
22. Given the above I conclude that, on balance, the proposal would preserve the special historic interest of the Grade II listed building and the character and appearance of the Lytham Conservation Area. This would satisfy the requirements of the Act, paragraph 197 of the Framework and would not conflict with Policies ENV5 and GD7 of the Fylde Local Plan that seek, among other things, to ensure the significance of heritage assets is preserved while also promoting good design.

## **Conclusions**

23. For the above reasons and having regard to all other matters raised I conclude that the development would have an adverse effect on the living conditions of neighbouring occupants and would not be in accordance with the development plan as a whole. Appeal B is dismissed, therefore.
24. I conclude that, on balance, the proposal would preserve the special historic interest of the Grade II listed building and the character and appearance of the Lytham Conservation Area. Appeal A is allowed subject to a condition.

*Debbie Moore*

Inspector