



Appeal Decision

Site visit made on 28 March 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2023

Appeal Ref: APP/J2373/D/22/3311675

11 Sandhills Avenue, Blackpool FY4 1QQ

- 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 Miss & Mr Danielle & Scott Powell & McLaren against the decision of Blackpool Borough Council.
 - The application Ref 22/0827, dated 20 October 2022, was refused by notice dated 21 November 2022.
 - The development proposed is single storey rear extension and outside store/office.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It was apparent from my site visit that the works are completed. I have removed the word 'retrospective' from the description of development in the banner above, as that is not a form of development.

Main Issue

3. The main issue in this appeal is the effect of the development on the adjacent property with specific focus on the living conditions of that property.

Reasons

4. The appeal property is a semi-detached property in an area of similar. The locality is predominately residential in nature.
5. The rear single storey extension is built just off the boundary with No.9 Sandhills Avenue but projects from the rear elevation by significantly more than that normally allowed by the Permitted Development regulations. Given this depth, and as it would be sited very close to the common boundary, the proposal has resulted in a substantial block of development with an overall height that is be a considerable margin above the height of the boundary fence.
6. The neighbouring property has rear windows that serve a sitting room at ground floor level next to the boundary and because of the height and projection of the extension, the proposal would unacceptably dominate the outlook from the rear facing windows nearest to the joint boundary.

7. Further, the rear extension is overbearing on the neighbouring garden, it would dominate the limited private garden area and affect the outlook from a small summerhouse in the opposite corner of the garden, and as such, would be detrimental to the living conditions of the residential occupiers of No. 9 when using their garden.
8. The extension is orientated in a manner which means that the rear of No.9 would be overshadowed at the rear toward the end of the day, when people would expect to use their private amenity space. Overall, there is a considerable amount of built development on the party boundary.
9. Extensions have been added to other properties in the area. However, these properties do not have the same relationship with their surroundings and so their impact is materially different. Therefore, the existence of these other extensions does not justify harmful development on the appeal site.
10. The increased scale of built development immediately along the party boundary will exacerbate the overshadowing endured. Moreover, its visual presence will be significantly heightened in comparison to the previous boundary arrangement.
11. Consequently, the changes resulting from this rear extension have tipped the balance of acceptability by being unduly overbearing, reducing existing levels of outlook and increasing existing levels of overshadowing. In combination, these adverse impacts represent an unacceptable level of harm to the reasonable enjoyment of both internal and external areas of No.9.
12. The appellant suggests that there is a fallback position for a proposed single storey rear extension that would be allowed under prior approval. However, that is an entirely separate process, I have no details of such a scheme before me and a full and detailed comparison with this case cannot be made. Further, there is no evidence that there would be a real prospect that a prior approval proposal would be pursued.
13. I therefore conclude that the proposal would have an adverse impact on the living conditions of the occupants of 9 Sandhills Avenue with particular reference to their outlook and sense of enclosure
14. I therefore find conflict with Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy and Saved Policies LQ1, LQ2, LQ14 and BH3 of the Blackpool Local Plan (2006) which, amongst other matters, expect development to ensure that amenities of nearby residents are not adversely affected. I also find conflict with the design guidance set out in the 'Extending Your Home' Supplementary Planning Document and Paragraph 134 of the National Planning Policy Framework.

Conclusion

15. The proposal conflicts with the development plan and there are no other considerations that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR