



Appeal Decision

Site visit made on 26 September 2023

by K Mansell BA (Hons) MPhil TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02.11.2023

Appeal Ref: APP/J2373/D/23/3326651

8 Gregson Close, Blackpool, FY4 5RB

- 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 John Hooper against the decision of Blackpool Council.
 - The application Ref 23/0320, dated 3 May 2023, was refused by notice dated 20 June 2023.
 - The development proposed was originally described as 'retrospective application for conservatory'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On my site visit I saw that the conservatory has been constructed. However, I have determined the appeal based on the plans that have been submitted.

Main Issues

3. The main issues are:
 - Whether the development is harmful to the living conditions of the adjoining occupiers at 34 Lowfield Road and;
 - The effect of the development on the character and appearance of the host dwelling.

Reasons

Living conditions

4. The appeal property at 8 Gregson Close is a two-storey detached dwelling built in red brick and render. It is situated within a small cul-de-sac of mainly detached properties of similar appearance. Consistent with neighbouring buildings, the house is set back from the road behind an open front garden with an enclosed garden to the rear. A path to the side of No 8 leads to a detached garage within the garden, positioned adjacent to the boundary with the neighbouring house at No 6.
5. No 8 has previously been extended with a red brick flat-roofed single storey structure that projects to a depth of approximately 5.5 metres. Onto that, a conservatory has been built, which is the subject of this appeal. It has a red brick base, above which all three sides of the conservatory and the roof are glazed. Its

projection to the rear of the existing extension brings it within approximately 1 metre of the fenced rear boundary shared with 34 and 36 Lowfield Road.

6. On my site visit, I saw that 34 Lowfield Road also has a conservatory on its rear elevation and a modest back garden. As a result of the proximity of the appeal scheme to the rear boundary, its highly glazed form and the height of the fence, I observed that there is a close and unrestricted view from the conservatory on the appeal site into the ground floor windows of this neighbouring property to the rear.
7. The consequent overlooking and resultant loss of privacy would be significantly detrimental to the living conditions of these neighbouring residential occupiers. Even though the original rear extension to the appeal property may have had patio doors looking towards the rear, including towards No 34, these would have been set further away from the rear boundary. This would have provided a greater degree of separation in comparison to the appeal scheme.
8. Furthermore, the closeness of the appeal scheme to the rear boundary, combined with its scale and the height of the fence means that a significant proportion of the structure is visible from the property at 34 Lowfield Road. As a result, the effect is overbearing on the living conditions of these neighbouring occupiers. Even if a shed could be sited where the conservatory is without the benefit of planning permission, I have nothing before me to indicate what that might look like, and I give it limited weight as a result.
9. I acknowledge that the appellant has offered to replace all the conservatory windows that face the neighbour's property with obscure glazing. However, I have nothing to indicate the extent to which this would reduce the transparency. It would also not address the harm to the neighbour that I have identified by virtue of the conservatory being visually dominant. In addition, I have not been provided with any detail of what a taller fence might entail, and, in any event, I must consider the scheme before me.
10. For these reasons, I conclude that the conservatory is harmful to the living conditions of the neighbouring residential occupiers at 34 Lowfield Road, with particular regard to overlooking, loss of privacy and its overbearing effect. It therefore conflicts with Policy CS7 of the Blackpool Local Plan (BLP) Part 1: Core Strategy 2012-2027 and Policies DM17 and DM20 of the BLP Part 2: Site Allocations and Development Management Policies 2012-2027. These policies seek to avoid adverse and unacceptable impacts from development on neighbour amenity.
11. It would also conflict with the residential amenity aims set out in the Council's 'Extending your Home' Supplementary Planning Document (the SPD) (November 2007) as well as guidance at Paragraph 134 of the National Planning Policy Framework (the Framework), which confirms, amongst other matters, that development that is not well designed should be refused.

Character and appearance of the host dwelling

12. The appeal scheme, along with the previously constructed single storey rear extension, project to the rear of 8 Gregson Close by almost the entire length of the shared boundary with No 10. Both structures are set in from the shared fence line and modestly splay away from it.

13. The Council is concerned about the depth of the combined projection from the host dwelling, which is not in line with the general guidelines in the SPD. However, on my site visit, I saw that even though the conservatory extends behind the earlier rear extension, it is visibly distinct from it. Except for the solid base, it is entirely glazed to the roof and sides. Its reasonably lightweight appearance makes it less visually dominant as a result. The matching red brickwork is also sufficiently in keeping with what has been built before so that it does not appear discordant.
14. Furthermore, distinct from the houses immediately adjacent to the appeal site, the garden to the appeal property broadens out towards the rear boundary. It is therefore wider and less linear in shape than its direct neighbours. Given these specific site circumstances, the conservatory, even in combination with the earlier rear extension, does not take up an undue proportion of the rear garden and I observed that a useable garden area remains.
15. Taking all these factors into account, I find that the conservatory does not unacceptably harm the character and appearance of the host dwelling. It therefore accords with the provisions of section 12 of the National Planning Policy Framework, Policy CS7 of the BLP Part 1: Core Strategy 2012-2027, Policies DM17 and DM20 of the BLP Part 2: Site Allocations and Development Management Policies 2012- 2027, which broadly seek to ensure, amongst other matters, that development is of a high quality and well-designed. Despite a technical breach of the SPD guidance, the site-specific circumstances of the appeal site mean that the scheme still complies with the overall design aims of that document and the development plan as a whole.

Other Matters

16. I am sympathetic to the circumstances that led to the construction of the conservatory. I also recognise that Policy CS7 of the BLP Part 1: Core Strategy 2012-2027 refers to the requirement for development to consider accessibility to groups in the community, such as those with disabilities and the elderly. In this regard, I acknowledge the medical and lifetime needs of the appellant. I understand the desire to achieve more internal space, and for that to be on one level for ease of movement through the house. I have given this careful consideration. However, I find that such personal circumstances are not sufficient to outweigh the substantial harm to the living conditions of the neighbouring property that I have identified.
17. I note the appellant's concern about the Council's handling of the application in terms of a site visit and a meeting request. However, in my determination of this appeal, I must have regard only to the planning merits of the scheme.

Conclusion

18. For the reasons given above, whilst I find no harm to the character and appearance of the host dwelling arising from the conservatory, I find that it does result in harm to the living conditions of the neighbouring property. For this reason, I conclude that the appeal should be dismissed.

K. Mansell

INSPECTOR