



Appeal Decision

Site visit made on 10 October 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2023

Appeal Ref: APP/M2325/W/23/3320971

12 Cheltenham Crescent, Lytham St Annes, Lancashire FY8 4LW

- 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 Mrs Diane Donohoe against the decision of Fylde Council.
 - The application Ref 22/0834, dated 4 November 2022, was refused by notice dated 2 February 2023.
 - The development proposed is external alterations and change of use from garage to guest accommodation (Use Class C1).
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Decision

1. The appeal is allowed and planning permission is granted for external alterations and change of use from garage to guest accommodation (Use Class C1) at 12 Cheltenham Crescent, Lytham St Annes, Lancashire FY8 4LW in accordance with the terms of the application, Ref 22/0834, dated 4 November 2022, subject to the following conditions:
 - 1.) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Scale 1:1250), Existing Plan (Dwg No: 2022/FY/PL/DO/003), Proposed Plan (Dwg No: 2022/FY/PL/DO/004), Proposed Plan and Proposed and Existing Elevations (Dwg No: 2022/FY/PL/DO/005) and Existing and Proposed Site Plan (Dwg No: 23/JF/CC/001).
 - 2.) Within three months of the date of this decision, three permeable hardsurfaced parking spaces within the site shall be laid out in accordance with Dwg No: 23/JF/CC/001. The parking spaces shall thereafter be kept available for the parking of vehicles.

Preliminary Matters

2. The description of development was amended during the course of the application, with the agreement of the appellant. I have utilised this agreed description but removed those parts that do not refer to development.
3. The building subject of this appeal was already in place at the time of my visit. The plan showing the floor and elevations reflected the structure as constructed. An amended site plan was provided with the appeal that includes a revised parking arrangement. The Council has not raised any concerns on it being considered and I also do not consider that any party to this appeal would be prejudiced by its consideration. For clarity, I have dealt with the appeal based on the submitted plans, including the amended plan.

Main Issues

4. The main issues are the effect of the appeal development on: (i) the living conditions of neighbouring residential occupiers, with particular regard to noise and disturbance, privacy and light pollution, and (ii) the fear of crime.

Reasons

Living Conditions

5. The appeal site comprises of a semi-detached dwelling which is situated on a cul-de-sac that is formed of similar buildings. The site contains a detached building that is the subject of this appeal, in the area of a former garage. This is accessed from the driveway and is situated to the rear of the site.
6. The appeal development has introduced additional comings and goings on a short cul-de-sac, in addition to those generated by the dwelling at No. 12. However, the size of the guest accommodation is limited, and it accommodates only 1 or 2 people. The property is close to visitor attractions in Lytham, and it is likely that occupants would spend time away from this accommodation thereby limiting the number of visits on a daily basis and the use of the garden area. Although the driveway on the appeal property is immediately alongside the driveway to No. 10, I do not consider that the comings and goings associated with this guest accommodation are discernible to the extent that they cause a harmful disturbance to the neighbouring occupiers at No. 10 or those of other neighbouring properties.
7. I accept there are differences between visitor and permanent residential accommodation and that those visiting whilst staying for short periods would have more time for socialising. However, given the small scale of the proposal, and the limited number of occupants that use the guest accommodation at any one time, including the external area, this has not resulted in harmful levels of noise disturbance. Reference has been made to the use being operational for around 18 months. Although the use was brought to the Council's attention by a neighbour, there are no objections from neighbouring occupiers before me nor is there any evidence that the use, whilst it has been operating, has given rise to harmful impacts from internal or external socialising or vehicle movements.
8. The appeal building does have a close relationship with surrounding properties, and I was able to see the position of the windows to its front and side elevations. The window on the side elevation of the appeal building is obscure glazed with the front window having views along the driveway. The latter is close to the shared boundary with No. 10, but the windows on the side elevation of this neighbouring property are obscure glazed and this relationship has not given rise to adverse privacy impacts. Although concerns have been raised on light disturbances which could occur into the late evening, given the limited size of the windows, I do not consider that there are any unacceptable adverse effects arising in this regard.
9. I therefore conclude that the development does not give rise to unacceptable adverse impacts on neighbouring residential occupiers with regard to noise and disturbance, privacy or light pollution. As such, there is no conflict with Strategic Policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) (Local Plan), which seeks, amongst other matters, that amenity will

not be adversely affected by neighbouring uses. It is also not contrary to the National Planning Policy Framework (Framework), which seeks at paragraph 130 f), a high standard of amenity for existing and future users.

Fear of Crime

10. The Council's concerns in relation to the fear of crime relate to the transient, unknown nature of occupants of the subject guest accommodation. Whilst they may be unknown to neighbours and may arrive or depart in periods of darkness, those utilising this accommodation will have booked in advance rather than being passing customers whose identities may not be known.
11. In any event, there is no reason to believe that such occupants have given rise to a greater sense of fear to neighbouring residents than other visitors to the area who may be unknown to them, such as those visiting friends or family who live on the cul-de-sac or delivery drivers. Although I note the proximity to the neighbouring property at No. 10, the proposed guest accommodation is accessed using the existing driveway of No. 12, where there are already movements along most of its length to access No. 12 as the entrance door to this property is on the side elevation.
12. In the absence of any concerns expressed by neighbours to the appeal scheme, I do not consider the fear of crime is well founded and nor has it been established why this guest accommodation for up to two occupants has led to a fear of disorder. I therefore conclude that the appeal development has not had an unacceptable effect in relation to the fear of crime and as such, there is no conflict with Policy GD7 of the Local Plan or Paragraph 130 f) of the Framework, which seek, amongst other matters, that the fear of crime does not undermine the quality of life or community cohesion and resilience.

Other Matters

13. I note the concerns by the Council that parking across most of the frontage would be visually harmful. However, I was able to see other properties with large areas of hardstanding and do not consider the parking arrangements would harm the character and appearance of the area.
14. Reference has been made to a bamboo cane screen but given its height and limited length along the boundary, this is not harmful visually and nor do I consider the 1.8m fence would be harmful given its height and position to the side boundary.

Conditions

15. A number of planning conditions have been suggested by the two main parties. I have imposed a condition requiring compliance with the approved plans and a condition to secure three parking spaces on the appeal property. The wording of some of the suggested conditions have been amended in the interests of conciseness and enforceability.
16. I do not however consider a condition relating to boundary treatment to be necessary given the acceptable relationship between the appeal building and the neighbouring property at No. 10 as set out earlier in the decision.

Conclusion

17. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, including the provisions of the Framework, I conclude the appeal should be allowed.

F Rafiq

INSPECTOR