



Appeal Decision

Site visit made on 5 December 2023

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2023

Appeal Ref: APP/P2365/W/23/3324280

7 Hillside Avenue, Hilldale, Lancashire WN8 7AW

- 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 J Martin and Ms A Storey against the decision of West Lancashire Borough Council.
 - The application Ref 2022/0943/FUL, dated 20 September 2022, was refused by notice dated 24 January 2023.
 - The development proposed is described as Proposed Residential Dwelling (Resubmission of planning application reference (2021/1367/FUL))
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Decision

1. The appeal is allowed and planning permission is granted for Proposed Residential Dwelling (Resubmission of planning application reference (2021/1367/FUL) at 7 Hillside Avenue, Lancashire WN8 7AW in accordance with the terms of the application, Ref 2022/0943/FUL, dated 20 September 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. A detached dwelling was granted approval at the appeal site under application 2020/0304/FUL. Conditions have been discharged relating to drainage for this application.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located between Nos 7 and 5c Hillside Avenue, a quiet, pleasant residential avenue which is also a Public Right of Way. The avenue comprises residential properties of various type and design, and has an attractive, verdant feel. Hillside Avenue slopes quite significantly, and the appeal site has varying land levels. The appeal site was previously the side garden of No 7.
5. A detached dwelling was granted approval at the site in 2020. The appeal proposal is for a slightly larger dwelling and is of a differing design than that previously permitted. The plot size has also been increased.
6. The proposal is for a two-storey detached dwelling that would incorporate three full height pitched roof gable features. There are a number of individually designed properties along Hillside Avenue, and the dwellings are a mix of house type, size, design and external materials. As such there is no uniform

design or prevailing style that the proposal would disrupt. On my site visit, I noticed that a number of properties along Hillside Avenue have pitched roof features of varying style, size and design. The proposed dwelling's three roof features, whilst larger than others within the vicinity, would not appear to be uncharacteristic or incongruous in relation to other nearby properties. I consider that the design features of the proposed dwelling would be acceptable, and due to the large frontage width of the proposal would not unbalance or over dominate the proposed dwelling.

7. The appeal site has a frontage that would be among one of the smaller plot widths on Hillside Avenue, and the proposed dwelling would have a large frontage facing Hillside Avenue along the width of the plot. However, I consider that sufficient space would remain at either side of the frontage and between the two neighbouring properties, for the proposed dwelling not to appear cramped within the plot or over dominant within the street scene.
8. The proposed dwelling would maintain the linear pattern of development along the avenue and follow the established building line. The proposal would be stepped back from the road frontage in a similar fashion to the adjacent property No 5c Hillside Avenue, which would ensure that the proposed dwelling would not appear unduly prominent and would minimise its visual impact on the street scene.
9. The ridge height of the proposed dwelling would fall between the heights of the neighbouring properties, maintaining the regular rhythm of development along the sloping avenue, and as such it would not unbalance but rather would flow with the area's typography.
10. Taking together the appeal site's relatively small plot width, the proposed dwelling's set back position within the plot, its ridge height, and the design features of other dwellings within Hillside Avenue, I consider that the proposed dwelling would be of an appropriate scale and design and would not be over dominant or incongruous in the street scene.
11. The proposed development would not harm the character or appearance of the area, and would be in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 (2013) which seeks to ensure that development has regards to visual amenity and complements or enhances attractive attributes within its surroundings through sensitive design. It would also accord with guidance contained within the Design Guide Supplementary Planning Document (2008) which aims to promote the highest standard of building design and to help deliver a more attractive and sustainable environment.

Other Matters

12. Interested parties have raised concerns regarding the effect that the proposed dwelling would have on living conditions for residents of neighbouring properties, particularly in relation to overlooking. However, I note that the Council considers that the proposal would fall inside the line of acceptability in relation to the amenity and privacy of neighbours, and I see no reason to disagree with this conclusion. Moreover, I have attached conditions regarding landscaping, and the provision of any further windows, to protect the privacy of neighbouring residents.

13. Concerns have also been raised regarding civil engineering works, surface water and drainage issues, traffic congestion and tree removal. I note that a previous permission has been granted on the site, and the principle of development has already been established. There were no concerns raised by the Local Highways Authority regarding traffic, and when I visited the site I did not consider that the proposed development would adversely impact upon traffic or parking. The appellant has undertaken an Arboriculture Implication Assessment and I have included a condition to ensure that the proposal is implemented in accordance with this report. I am satisfied that appropriate drainage and surface water measures to minimise flood risk can be secured by condition for the proposed development.

Conditions

14. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. For the sake of clarity, I have amended the conditions as necessary. In addition to the standard commencement condition, I have attached a condition specifying the approved plans in the interest of certainty.
15. In order to ensure the effective surface water drainage of the site and to minimise the risk of flooding, I have attached conditions relating to the proposed hardstanding, surface water discharge and foul and surface water drainage. The foul and surface water drainage condition is a pre-commencement condition, which the appellant has agreed to.
16. In order to ensure that the external appearance of the building is satisfactory I have attached a condition regarding materials.
17. In order to ensure that the site is effectively landscaped having regard to the character of the area and in order to protect the privacy of nearby residents, I have included a condition regarding landscaping works.
18. I have attached a condition regarding the provision of new windows in order to protect the privacy and living conditions of nearby residents.
19. I have also attached conditions requiring that the work is undertaken in accordance with the submitted Arboricultural Implication Assessment and Preliminary Ecological Appraisal in order to ensure the proper protection of trees and safeguard protected species.

Conclusion

20. For the reasons given above, I conclude that the development would comply with the development plan as a whole and there are no other material considerations to lead me to find otherwise than in accordance with it. As a result, the appeal is allowed.

L C Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in strict accordance with the following approved plans and drawings, received by the Local Planning Authority on 26 August 2022:
 - 846/07D – Proposed elevations (north and west)
 - 846/08D – Proposed elevations (south and east)
 - 846/06D – Proposed plan (ground floor and first floor)
 - 846/05C – Proposed site plan
 - 846/09A – Proposed street scene
3. No development shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures, maintenance management proposals and phasing of delivery has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. Should the use of infiltration methods be discounted the peak rate of surface water discharge (i.e. attenuated rate) must be submitted to and approved in writing by the local planning authority prior to any underground drainage works being commenced. The drainage scheme shall be completed in accordance with the approved details and in accordance with the approved phasing of the scheme and maintained in accordance with the agreed maintenance and management plan thereafter. To aid the checking of calculations the mdx file for the surface water drainage design should be submitted, if applicable.
4. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and/or full specification of materials to be used externally on the proposed dwelling have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed schedule of materials and method of construction.
5. The dwelling hereby permitted shall not be occupied until the hardstanding driveway shown on the approved plans has been constructed in a permeable material or with provision to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling. These drainage arrangements shall be retained thereafter for the life of the development.
6. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works, including details for the ongoing maintenance of soft

landscaping, have been submitted to and approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks; hard surfaced areas and materials; planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing /phasing of work; existing plants/ trees to be retained.

The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 7 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, no windows or openings shall be added to the property (in the east and west side elevations) until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
8. The development shall be implemented in accordance with the submitted Arboricultural Implication Assessment (AIA) (arbconsultants ltd, January 2022) received on the 20th September 2022 unless otherwise agreed in writing by the Local Planning Authority.
9. The development shall be implemented in accordance with the recommendations of the Preliminary Ecological Appraisal prepared by PENNINE ecological and deposited with the Local Planning Authority on 20th September 2022.

END OF SCHEDULE