



Appeal Decision

Site visit made on 5 December 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2024

Appeal Ref: APP/P2365/W/23/3320965

29 Highsands Avenue, Rufford, Lancashire L40 1TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Miss Emma Pye against the decision of West Lancashire Borough Council.
 - The application Ref 2022/1130/FUL, dated 19 October 2022, was approved on 2 February 2023 and planning permission was granted subject to conditions.
 - The development permitted is a single storey rear extension.
 - The condition in dispute is No 4 which states that:
Notwithstanding the provisions of Schedule 2, Part 2, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the amendment, revocation and re-enactment thereof, the dwellings hereby approved shall not be altered or extended, (i) the front elevation of the dwelling shall not be painted/rendered, unless on application to the Local Planning Authority, planning permission for such development has been granted.
 - The reason given for the condition is: *The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect residential and visual amenity to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*
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Decision

1. The appeal is allowed and the planning permission Ref 2022/1130/FUL for a single storey rear extension at 29 Highsands Avenue, Rufford, Lancashire L40 1TE granted on 2 February 2023 by West Lancashire Borough Council is varied by deleting conditions 1 and 4.

Applications for costs

2. An application for costs was made by Miss Emma Pye against the decision of West Lancashire Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. A revised National Planning Policy Framework was published in December 2023. I have had regard to this in reaching my decision.
4. At the time of my visit, the development had already commenced which included new window openings to the front elevation. For clarity, I have considered the appeal based on the submitted plans.

Background and Main Issue

5. Planning permission was granted for a single storey extension (LPA Ref: 2022/1130/FUL) which included a condition removing permitted development rights for alterations to the front elevation that would comprise of painting or render. It is this condition which is in dispute and the main issue therefore is whether the condition is reasonable or necessary in the interests of the character and appearance of the area.

Reasons

6. The appeal property is an end terrace dwelling that is situated on an estate that contains mainly two storey brick built properties which are setback from the highway behind front garden and parking areas. These features as well as grass verges and other areas of open space around Highsands Avenue contribute to a pleasant, spacious residential character.
7. The approved development references a single storey rear extension, but the proposed drawings that were considered by the Council also included alterations to the front elevation. The predominance of brick as a facing material was evident in the area around the appeal site and I accept that render across the front elevation of the appeal dwelling would result in it having a different appearance to the remaining dwellings on this terrace row. There was however variation in the colour and design of windows and doors to the front elevations of nearby properties and I was also able to see more widely in the area the use of render on some front bays and a front porch. Whilst a render or painted finish to the front would be readily visible in the streetscene, unlike the rear and side elevations of the appeal dwelling, I do not consider that such a finish on the front elevation, given the variation that exists on the surrounding built form, would unduly imbalance this short terrace row or detract from the character of the area which is defined in the main by its spacious quality.
8. I therefore conclude that the subject condition is not reasonable or necessary in the interest of the character and appearance of the area. Thus, the removal of the condition would not conflict with Policy GN3 of the West Lancashire Local Plan Development Plan Document 2012-2027, which seeks, amongst other matters, development of high-quality design.

Conditions and Conclusion

9. As well as deleting Condition 4, as the development has commenced, condition 1 relating to the commencement of development is not necessary.
10. For the reasons given above, I conclude that the appeal should be allowed, and the planning permission varied by deleting the disputed condition 4 as well as condition 1.

F Rafiq

INSPECTOR