
Appeal Decision

Site visit made on 3 January 2024

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 21 March 2024

Appeal Ref: APP/P2365/D/23/3333445

89 Moss Lane, Hesketh Bank, Preston PR4 6AD.

- 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 and Mrs Eckersley against the decision of West Lancashire Borough Council.
 - The application ref 2023/0486/FUL dated 26 May 2023 was refused by notice dated 1 September 2023.
 - The development proposed is a first-floor extension, a porch extension and an attached single storey garage.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 11 January 2024.

Decision

1. The appeal is allowed, and planning permission is granted for a first-floor extension, a porch extension and an attached single storey garage at 89 Moss Lane, Hesketh Bank, Preston, PR4 6AD in accordance with the terms of the application ref 2023/0486/FUL, dated 26 May 2023, and subject to the following conditions: -
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: 1030-01(existing ground floor plan inc. location plan);1030-09 (proposed ground floor plan);1030-10 (proposed first floor plan) and 1030-11 (proposed elevations).
 - iii. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The local planning authority (LPA) describes the proposed development in its Decision Notice as for a second storey whereas the appellant describes it as a second-floor rear extension (in addition to approved application 2022/0342/FUL and Lawful Development Certificate 2023/0159/LDP). For the avoidance of

doubt, I have determined the appeal based upon the proposed plans including for a first-floor extension, a porch extension and an attached single storey garage and have described the appeal as such in the banner and in the decision.

3. A revision to the National Planning Policy Framework 2023 (the Framework) was published on 19 December 2023. The amendments made did not have a bearing on the issues in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.

The Main Issue

4. The main issue is the effect of the development upon the character and appearance of the host property and area.

Reasons

5. The appeal property is a corner plot within a residential housing estate consisting of dwellings of varying designs, often brick-built, but some including rendering, and where double pitched roofs predominate.
6. The appeal property is somewhat different in its design from dwellings around it in that it includes a series of linked outbuildings, some two storeys and some single storey, which run at right angles to the original house.
7. The proposed single storey garage would extend at right angles to the existing property by approximately 8.9 metres and would have a double pitched roof.
8. There is an extant approval for a double garage on the same site with a pitched roof of a similar height to the appeal proposal and which extends outwards by about 5.1 metres¹. In addition, the LPA has issued a lawful development certificate (LDC)² with regard to an additional outbuilding/garage to be sited on the end of the approved double garage and with a width of approximately 3.2 metres. It would have a flat roof.
9. Therefore, the appeal proposal for the single storey garage, with an approximate length of 8.9 metres, would compare with the proposed length of the extant planning approval plus the LDC proposal of about 8.2 metres. In addition, the proposed widths of the extant approval and the appeal proposal are similar.
10. In view of the evidence presented, I consider that there is a strong possibility that the extant approval, and the proposal which forms the basis of the LDC, would be implemented should the appeal be dismissed. Therefore, I afford this fall-back position very considerable weight in the decision-making process.
11. Moreover, the appeal proposal for a continuous double pitched roof over the garage would be a design improvement over the fall-back position, where part would have a double pitched roof but that part which is subject to the LDC would have a flat roof. The appeal proposal would be an enhancement to the character and appearance of the building and the area when compared to the fall-back position.

¹ 2022/0342/FUL approved 26 August 2022

² 2023/0159/LDP issued 26 May 2023

12. The extant approval and the appeal proposal also include a first floor extension to one of the linked outbuildings. These are similar in their widths, lengths, location and overall design. Both also include a proposed single height porch with similar design characteristics. Both the proposed porch and the first-floor extension, by their designs, sizes, locations and dimensions, would assimilate well with the existing built form and would not adversely affect the character and appearance of either the dwelling or that of the area.
13. I acknowledge that the appeal proposal conflicts with parts of the West Lancashire Design Guide 2008 (SPD) in terms of lengths and widths of extension which *'should generally not exceed 2/3rds of the corresponding dimensions of the existing property'*. However, the overall purpose of the SPD is *'to raise the general awareness of the value of good design and importantly on how this might be achieved'*. I consider that, notwithstanding any departure from the general advice regarding such dimensions, the appeal proposal meets its overall aims. These would have been the same matters which were considered by the LPA when determining the extant planning approval.
14. Therefore, I conclude that, notwithstanding some conflict with parts of the SPD, the appeal proposal accords with its main thrust which is to promote good design, and which takes into account the character and appearance of the existing dwelling and the area. It conforms with policy GN3 of the West Lancashire Local Plan (2013) which requires high quality development which relates to the existing building in terms of design and materials. It also accords with Chapter 12 of the Framework which requires development to be of good design and places to be beautiful and which takes into account the character and appearance of the host property and that of the area.

Conditions

15. I have imposed the standard time condition and a condition to ensure that the development is in accordance with the approved plans in the interests of certainty. In the interests of good design, it is necessary to impose a condition relating to external materials.

Conclusion

16. For the reasons outlined above, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR