



Appeal Decision

Site visit made on 22 April 2024

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 09.05.2024

Appeal Ref: APP/M2325/D/24/3339624
11 Eaves Road, Lytham St Annes, FY8 3RY

- 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 Cotton against the decision of Fylde Borough Council.
 - The application Ref. 23/0787 dated 18 November 2023, was refused by notice dated 24 January 2024.
 - The development proposed is a single storey rear extension and rear roof lift to form first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development, the subject of the appeal has been substantially completed. For the avoidance of doubt although I have considered this scheme in accordance with the submitted plans I am aware of no material differences between what they show and what I saw on site.
3. The Council amended the description of the development and I note that this was used by the agent for the appellant within the appeal form. Accordingly I have adopted this description as it is a more accurate description of the development. I have removed reference to the word 'retrospective' as this is not an act of development.
4. The development comprises of a number of elements. The Council has raised no concerns in relation to the single storey rear extension and their concern relates to the rear roof lift to the first floor. I shall accordingly address my assessment to this element of the appeal.

Main Issues

5. The main issues in the appeal are the effect of the proposed development on (i) the character and appearance of the host dwelling and the area and (ii) the living conditions of the occupiers of the neighbouring property by reason of loss of privacy.

Reasons

Character and Appearance

6. The appeal property, 11 Eaves Road (No 11), is a modest bungalow situated in a residential area of predominantly single storey development. Whilst there are a small number of two storey dwellings and a variation in the design and style of the dwellings within the area as a whole, which includes a number of different roof styles, the immediate area has a generally consistent well balanced appearance and character of predominantly detached modest bungalows in a mature setting.
7. The first floor extension has been built across the whole of the rear roof slope of No 11 up to its ridge and set flush with the side and rear walls of the dwelling. As such it does not comply with guidance set out in the Council's Extending Your Home -Supplementary Planning Document Design Note 6 (Dormers and Roof Extensions)(SPD) which requires, amongst other things, that dormers should be contained well within the body of the roof and not normally occupy an area greater than 35% of the area of the plane of the roof slope into which it will be sited. As a result of its width and size, the extension is disproportionately large in relation to the original dwelling and an incongruous addition which creates unattractive side elevations out of keeping with the general pattern of roofs within the area. The bulky rear elevation unbalances the design of the original bungalow and draws the eye. Nor does the ground floor extension in increasing the size of the dwelling mitigate the harmful effect of the mass created by the first floor extension. Overall, the extension causes an unacceptable harm to the character and appearance of the host dwelling and the area.
8. I appreciate that the extension has been constructed to the rear of the property where public views are more limited and that the front of the dwelling remains unaltered. However, the extension is visible in views along the junction of Eaves Road and Blackpool Road North, Eaves Road itself and the adjoining road, Hesketh Road where generous spacing between bungalows enables more distant views of the extension. It is also visible from a number of neighbouring properties and their gardens and its dominance harms the character and appearance of the area.
9. My attention has been drawn to the extension at the neighbouring property, No 44 Blackpool Road North which has a rear extension and a variety of roof slopes and projections. However whilst I acknowledge that in some views the extension at No 11 is read in the context of this dwelling I do not consider the roof slopes and projections to be particularly sympathetic to the character and appearance of the dwelling. As such this development does not provide sufficient justification to allow the scheme before me. Nor despite some variety in roof slopes, did I see a first floor extension occupy a large amount of roof space in the same manner as the development, nor appear as prominent.
10. I recognise that there is no conservation area designation for this area. Even so, local and national policy seeks for development to be of a high quality design which harmonises with the architectural style of the host dwelling and the area. The development as a whole adds an incongruous addition to the dwelling and the area and detracts from the character and appearance of the area.
11. I therefore conclude that the development would be contrary to Policy GD7 of the Fylde Local Plan to 2023 (incorporating Partial Review)(Local Plan) and Policy DH1 of the St Anne's on the Sea Neighbourhood Development Plan

(NDP) which together requires that development relates well to the surrounding context and avoids demonstrable harm to the visual amenities of the local area, and be appropriate and sympathetic to the character of neighbourhoods. It would also conflict with the design objectives set out within the SPD.

Living Conditions

12. The orientation of the properties on Eaves Road and Hesketh Road are such so that the rear elevation of No 11 directly faces the garden and habitable rear rooms of No 11 Hesketh Road, sited to the north of the appeal property. As such the first floor extension directly overlooks most of the garden and provides views into the habitable rear rooms of No 11 Hesketh Road. The SPD provides that windows to habitable rooms at first floor level should be at a minimum of 21 metres from any facing habitable rooms in neighbouring properties. The extension as built fails to meet this standard. I accept that within built up areas there is some level of mutual overlooking and that the separation distance falls below the standard by approximately 1.2 metres. However the elevated nature of the first floor extension introduces a degree of overlooking, where none exists at present and which has an adverse and an unacceptable impact on the privacy of the occupiers of No 11 Hesketh Road. I acknowledge that there are two storey dwellings which back onto single storey development found within the area. However in this instance the degree of impact of overlooking is much greater than that mutually tolerable level found in many urban areas. As such the development would have an unacceptable impact on the living conditions of the occupiers of No 11 Hesketh Road.
13. For the above reasons the development results in unacceptable harm to the living conditions of the occupiers of No 11 Hesketh Road. As such it does not comply with Policy GD7 of the Local Plan which requires, amongst other matters, for development not to adversely affect the amenity of neighbouring uses and to be sympathetic to surrounding occupiers. It also fails to comply with the National Planning Policy Framework (Framework) which seeks to protect the amenity of occupiers of adjacent properties and to the guidelines set out within the SPD for the design of extensions.

Other Matters

14. In reaching my decision, I have had regard to references within the Framework which support the development including the need to achieve sustainable development and the effective use of land. I acknowledge too that the development provides improved living accommodation. However, these matters do not outweigh the harm I have identified in relation to the effect of the development on the character and appearance of No 11 and the area, and the amenities of the occupiers of a neighbouring property.
15. Whilst the Council has not objected to the ground floor extension in itself this element is not functionally or physically severable hence a split decision in respect of this element is not appropriate.

Conclusion

16. For the reasons given and having regard to all matters raised, I hereby dismiss the appeal.

K Winnard

INSPECTOR