



Appeal Decision

Site visit made on 17 June 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 17th July 2024

Appeal Ref: APP/A2335/D/24/3341058
Highfield, Dolphinholme, Lancaster LA2 9AU

- 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 Jake Salisbury against the decision of Lancaster City Council.
 - The application Ref: 23/01273/FUL dated 6 November 2023 was refused by notice dated 16 January 2024.
 - The application is for demolition of existing single storey rear extension, erection of a two storey rear extensions, installation of solar panels to the front roof slope and Juliet balcony to front.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description used in the Council's decision notice differs from that used by the Appellant in their original application form. However in part E of the appeal form the Appellant has confirmed that the description of development has not changed from their original intention. Accordingly I have used the description as used by the Council which more accurately reflects the description of development proposed.

Main Issues

3. The main issue is the effect of the proposal upon the living conditions of neighbours.

Reasons

4. The appeal property is a modern detached dormer type bungalow sitting at the uppermost end of Wagon Road before it approaches an informal junction of several lanes and a small area of village green. Because of this layout of roads and lanes the appeal property, Highfield, is orientated so that its rear elevation faces north east. The lane immediately to the north of Highfield is Abbeystead Road that itself runs in an east west direction. This layout, with housing plots alongside, results in a fairly awkward position between Highfield and that of nearby Lincdene on Abbeystead Road whereby, at certain points, the proximity of gardens and windows is perhaps below that what would be considered usual in modern developments.

5. Highfield currently consists of a T plan type property whereby a linear range runs parallel to Wagon Road and a crossing gable end runs the opposite direction at the north of the plot. The property has sweeping views to the east over the Pennines and the Forest of Bowland as the land upon which it sits slopes in this direction into a valley below. Lincdene sits slightly higher still but faces directly onto the plot of Highfield and contains windows that are clearly visible from the appeal property's rear garden. As a result, even though Lincdene is raised higher than the appeal site, there is a certain amount of direct mutual overlooking.
6. Highfield already has windows facing towards Lincdene in the form of dining room, utility and kitchen windows. A study and living room window are also located to the rear but farther away from this boundary with Lincdene. The dining room window is the closest to this boundary and occupies a small pitched roof porch type protrusion below the gable end here.
7. Lincdene itself appears to have two windows facing onto the garden of Highfield, the most prominent of these is a large box bay type feature which I understand serves a principal living room to this property and the other that serves a ground floor bedroom. Notably I saw on my site visit that other windows above these were intentionally orientated so as to preclude any potential for overlooking of Highfield due to their one sided design. I can only assume therefore that the ground floor openings on this elevation are mainly historic and predate the extensions to Lincdene and the building of Highfield itself.
8. The proposal before me seeks permission to extend the existing rear gable closest to Lincdene in such a manner as to bring it along an alignment of where the end of the existing dining room extension currently sits. This would create a larger dining and sitting room to the north of the plot and allow the creation of a new bedroom within the gable roof space.
9. The proposal would effectively draw out the existing gable to this point which would bring it noticeably closer to the rear of Lincdene. Moreover, the proposed building would be clad in a dark weatherboard type material to its upper level which would create a darker building overall.
10. In assessing the impact of this proposal, I accept that the historic evolution of this area has led to an orientation of properties that results in a certain amount of mutual overlooking in some places. I also accept that Highfield retains a large garden area and that fruit trees shield some of this from the windows of Lincdene. In this respect I find no issue with the proposed ground floor windows as proposed even when upon the proposed extension. I also accept that revised plans show upper floor windows would be obscure¹ and as such any effect of harmful overlooking from upper floor windows would effectively be mitigated or could be controlled by condition.
11. As such I consider that the main issue to distil here is the impact of the gable end elevation being drawn out to bring it in closer proximity to Lincdene and the effect that this may have with regards dominance and the associated effect upon the living conditions of neighbours here.

¹ Appellants Statement of Case refers to a plan substitution to show obscure windows to this elevation.

12. Much is made by the residents at Lincdene with regards outlook and the sense of enclosure that they have experienced through the development of properties on Wagon Road. For the most part any such impacts are due to changing buildings and the visibility of more properties into what is obviously a pleasant view. I cannot however give this matter of loss of view any weight in this decision.
13. Despite this, I do consider that the gable protrusion as advanced in this scheme would introduce a noticeably more overbearing effect that is much greater than simply introducing a new building into such a view. Although only extending relatively slightly, the effect of this extension would further encroach upon the rear aspect of Lincdene so as to create a sense of over dominance.
14. Although this is admittedly made worse through the proposed dark cladding, there is no escape from the fact that the protrusion of this gable, closer to the rear elevation and principal rooms of Lincdene would have a harmful and dominant impact upon this property and would encroach to such an extent as to appear noticeably overbearing. Although I can see from the evidence supplied that no overshadowing would occur, this does not alleviate the harmful encroachment of a new two storey structure in such close proximity to this boundary.
15. As such, whilst I would be confident that a scheme could be devised so as to extend this property whilst effectively mitigating any such harmful impact, ultimately, and on balance, the scheme before me would cause sufficient harm through the proximity and overdominance of this extension so as to bring it into conflict with Policy DM29 (key design principles) of the Lancaster Local Plan Development Management DPD as well as the overriding policy direction on good design as contained within the National Planning Policy Framework. As such the appeal must fail.

Conclusion

16. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR