



Appeal Decision

Site visit made on 11 November 2024

by K Winnard Solicitor LL.B Hons

an Inspector appointed by the Secretary of State

Decision date: 25th November 2024

Appeal Ref: APP/F2360/D/24/3346687

68 Liverpool Road, Hutton, Preston, Lancashire PR4 5SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Paresh Patel against the decision of South Ribble Borough Council.
 - The application Ref is 07/2024/00202/VAR.
 - The application sought planning permission for the raising of the ridge height to provide first floor living accommodation, single storey rear extension and the erection of a detached garage without complying with a condition attached to planning permission 07/2021/00857/HOH, dated the 29 September 2021.
 - The condition in dispute is No 2 which states that: 'The development hereby permitted shall be carried out in accordance with the submitted approved plans Drawing 68LR-002 Rev H, 68LR-003 Rev H, 68LR-003 Rev A (Garage), 68LR-SP-02H.
 - The reason given for the condition is: For the avoidance of doubt and to achieve a satisfactory standard of development.
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Decision

1. The appeal is dismissed

Procedural Matter

2. The development, the subject of the appeal, consists of a number of distinct elements: the raising of the ridge height of the dwelling to provide first floor living accommodation, the erection of a single storey rear extension; and the erection of a detached garage. The appeal concerns only the latter. The garage has been partially constructed. For the avoidance of doubt I have dealt with the appeal on the basis of the plans submitted within the application.

Main Issue

3. The main issue in the appeal is the effect of varying the approved plan, and thus the affected condition of the proposed development on (i) the living conditions of the occupiers of the neighbouring property with particular reference to outlook and (ii) the character and appearance of the area.

Reasons

Living conditions

4. The garage, the subject of the appeal, is sited to the rear of No 68 Liverpool Road (No 68), a detached extended bungalow in a spacious plot. The rear boundary of No 68 adjoins the side garden of Nos 3 and 3A Ratten Lane (3A), the latter of which has a secondary outlook from the side garden and side habitable rooms towards the boundary with No 68. The garage is sited adjacent to the high boundary fence between Nos 68 and 3A and the proposed increase in height would create a sizeable building, resulting in a large blank wall positioned close to the shared boundary. Because of the resultant bulk and closeness to the boundary fence, the overall impact of the proposed increase in height would have an overbearing and domineering effect for the occupiers of No 3A. As such it would fail to safeguard the amenities of the occupiers of No 3A.
5. I acknowledge that approvals have been given for extensions to properties of differing heights, including the appeal property itself and No 3A. However these approvals do not relate to garages or outbuildings which by their nature generally have a subservient form to the main dwelling. As such they do not justify development which would otherwise be unacceptable. Whilst the current permission obtained by the appellant indicates that there is no policy objection to the principle of a garage in this location, my assessment turns on the effect of the variation of the approved height on the living conditions of the occupiers of the neighbouring dwelling as a result of the current proposal. I have accordingly determined the appeal on its own merits
6. I therefore conclude that the proposed variation would result in unacceptable harm to the living conditions of the occupiers of the neighbouring dwelling, No 3A Ratten Lane and would be in conflict with Policies B1 and G17 of the South Ribble Borough Council Local Plan 2012-2026 (adopted 2015) (Local Plan). Together these policies require development not to adversely affect the amenities of nearby residents or have an overbearing effect.

Character and Appearance

7. No 68 is one of a group of three bungalows sited within a residential area where the predominant form of dwellings are 2 storey houses of differing style and design within generous plots. The area as a whole retains a well balanced appearance and character of detached properties in a mature setting. On my site visit I did not see any examples of garages or outbuildings of the scale and height now proposed.
8. The South Ribble Borough Council Residential Extensions Supplementary Planning Document (SPD) indicates that the size of any outbuilding should be subservient to the extended property reflecting a typical outbuilding scale. The height of the garage now proposed would significantly increase the mass and bulk of the building and would fail to respect the form and proportions of No 68. Rather than the height being a modest increase, when viewed against the profile of the bungalow, it would appear a towering and unduly tall outbuilding. As such it would be marked out as being substantially different from the established pattern of development found in the area. Further the insertion of velux rooflights in the garage would be an alien feature within the group of bungalows and garages and would seek to emphasise the height of the building. Notwithstanding the proposal to use bricks rather than render, and the variety of architectural designs and styles within the area, the garage

would have an undue prominence to the detriment of the character and appearance of the area.

9. I appreciate that the proposal would have some benefits for the appellant and would satisfy a need for further storage facilities. There is no evidence before me to suggest that these benefits cannot be achieved by alternative means. Further I consider that these benefits would be outweighed by the significant harm I have identified.
10. I therefore conclude that the proposal would cause unacceptable harm to the character and appearance of the area. As such it would conflict with Policies B1 and G17 of the Local Plan which requires development not to have a detrimental impact on the existing streetscene by virtue of, amongst other things, height and scale.

Conclusion

11. For the reasons given above, I hereby dismiss the appeal.

K Winnard

INSPECTOR