



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: 25 November 2024

Appeal Ref: APP/U2370/D/24/3348684

Eagland Hill Farm, New Lane, Eagland Hill, Pilling, Preston, Lancashire PR3 6BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Lisa Dorrington against the decision of Wyre Borough Council.
 - The application Ref is 24/00082/FUL.
 - The development proposed is a single storey rear extension and new front porch.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and new front porch at Eagland Hill Farm, New Lane, Eagland Hill, Pilling, Preston. Lancashire PR3 6BA in accordance with the terms of the application, Ref 24/00082/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, SP/LD/4225 Site Plan and SP/LD/4226 Floor Plans and Elevations.
 - 3) 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 Matter

2. The development, the subject of the appeal, consists of two distinct elements; the erection of a single storey rear extension; and the erection of a new front porch. The appeal concerns only the former, as the Council raises no concerns in relation to the new front porch. I agree with the Council on this matter, and I am content to deal only with the proposed single storey rear extension in my decision.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the living conditions of the occupiers of the neighbouring property with particular reference to outlook, overshadowing and privacy.

Reasons

4. The appeal property, Eagland Hill Farm (Eagland Hill Farm) is a double fronted semi-detached property situate within a group of dwellings on the northern side of New Lane, within a rural setting. Its neighbouring attached property, Danholme, (Danholme) is of a smaller scale with a lower ridge and eaves height and with a front facing patio, driveway and small garden area. To its rear is a small lean-to extension immediately adjacent to a high timber fence, which forms the boundary to the courtyard of Eagland Hill Farm.
5. The Council refer to the lean-to extension at Danholme as a conservatory but given its limited size and functional use, in my view it is more akin to a porch as referred to by the appellant. Be that as it may, neither a conservatory nor porch are classed as habitable rooms within the Council's Extending your Home Supplementary Planning Document (SPD). In addition, the depth and size of the rear amenity space is such that it limits its use and functionality for recreation. From my observations on site, and having regard to the layout of Danholme, the main recreational area and outlook enjoyed by its occupiers is the front facing patio area and garden.
6. The proposed rear extension would infill an existing patio area and would effectively square off the dwelling at ground floor level. It would project no further than the existing rear wall. However, at 4.67 metres deep it would be larger than the guidelines set out in the Council's SPD where the recommended guideline depth for a single storey rear extension is 3 metres. Nevertheless, the SPD is guidance only and each case must be considered on its own merits.
7. Outlook from the rear porch at Danholme is already severely restricted by the high timber fence. The proposed extension would be single storey and the visible element of the development would be largely restricted to the top part of the side wall of the extension and the slope of the pitched roof away from the boundary. Hence, whilst there would be an increase in built development closer to the boundary, it would therefore be unlikely to have a significantly material overbearing effect. Nor would it have a noticeably greater effect on the outlook than the existing boundary fence. Further, given that the porch is situate to the west of Eagland Hill Farm and faces north, any overshadowing caused by the proposed extension would be minimal in my view. Consequently, I do not consider that the proposal would result in an undue loss of outlook or light.
8. The proposal would also see the introduction of bifold patio doors with large windows closer to Danholme. However, there would be no overlooking into habitable rooms or usable amenity space and taking this into account together with the screening provided by the timber fence, this element of the proposal would not cause an unacceptable level of overlooking, nor a significant loss of privacy to the occupiers of Danholme.
9. For the reasons given, I consider that the proposed development would be acceptable in terms of its effect on the living conditions of neighbouring occupiers and therefore complies with Policy CDMP3 of the Wyre Local Plan 2011-2031 (incorporating partial review of 2022) (adopted 2023) which seeks to ensure that development does not have an unacceptably adverse impact on the amenity of occupants of surrounding properties. Nor does it conflict with the SPD insofar as it seeks to safeguard residential amenity.

Conditions and Conclusion

10. The Council has suggested a number of conditions. Conditions in respect of timescale and approved plans are necessary in the interests of certainty. A condition regarding matching materials is necessary to ensure a satisfactory appearance to the property. The Council has suggested a condition relating to obscure glazing within the ground floor windows of the western elevation. In the absence of harm to privacy, such a condition is not necessary.
11. For the reasons given, I allow the appeal as set out in the formal decision notice above.

K Winnard

INSPECTOR