



Appeal Decision

Site visit made on 20 January 2025

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th January 2025

Appeal Ref: APP/D2320/D/24/3347498

608 Preston Road, Clayton-le-Woods, Chorley PR6 7EH

- 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 Mr Mark Gregory against the decision of Chorley Council.
 - The application Ref is 24/00055/FULHH.
 - The development proposed is a side dormer, conversion of attached garage to habitable accommodation including replacement of garage door with full height windows, provision of a roof terrace above garage, and erection of privacy screens.
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Decision

1. The appeal is dismissed insofar as it relates to the provision of a roof terrace above garage, and erection of privacy screens. The appeal is allowed insofar as it relates to a side dormer, conversion of attached garage to habitable accommodation including replacement of garage door with full height windows, and thus planning permission is granted for a side dormer, conversion of attached garage to habitable accommodation including replacement of garage door with full height windows at 608 Preston Road, Clayton-le-Woods, Chorley, PR6 7EH in accordance with the terms of the application, Ref 24/00055/FULHH, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and 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, except in respect of the provision of a roof terrace above garage, and erection of privacy screens:

Site Location Plan (15 January 2024)

Site Plan, Floor Plans, Elevations Plans, reference LG/MG/1838
 - 3) Notwithstanding condition 2, within 2 months of the date of this permission, details of the fenestration treatment for the new dormer shall be submitted to the local planning authority. This fenestration treatment shall be carried out in accordance with the approved details within 3 months of the approval of the details by the local planning authority, and be maintained thereafter for the lifetime of the development.
 - 4) The flat roof area of the extension hereby permitted shall not be used as a balcony, terrace, or similar amenity area.

Preliminary Matters

2. The application form description of development cites: 'Retrospective change of use of garage to habitable room including replacement of garage door with full height windows, insertion of dormer to roof to access proposed roof terrace, erection of privacy screens.' I have instead used the slightly different description on the decision notice and appeal form, because that better separates out the different elements proposed. However, I have taken out the reference to 'part-retrospective', as this is not a development type.
3. The appeal is partly retrospective, with the roof terrace screening yet to be constructed, and the final finishing materials of the dormer doorway access to it yet to be completed. The Council raises no objection to all the other aspects of the proposal, and I find no reason to disagree, so I have focused my decision solely on this terrace area. For the avoidance of doubt, I have determined the scheme based on the submitted plans.
4. The Government published a revised version of the National Planning Policy Framework ('the Framework') on 12 December 2024. I have considered its amendments against the December 2023 version before the parties for their appeal evidence, however, I do not find the changes to be determinative to the outcome of this appeal.
5. The appellant identifies that the Council provided no officer report, such that their appeal evidence was based only on the decision notice reasons for refusal. I have an officer report before me from the Council, and no further information as to why this was not previously available to the appellant. However, the reasons for refusal identify the main issues and the relevant policy conflicts, and I do not find the Council's officer report to raise anything new or untoward, which the appellant has not already had the chance to address. I have therefore proceeded with my determination on this basis.
6. Section 79(1)(b) of the Town and Country Planning Act 1990 (as amended) provides the power to split a decision on a section 78 planning appeal, with the effect of allowing one part of a scheme and dismissing the remainder. I have used this power in determining this appeal.

Main Issues

7. The main issues are the effect of the proposed development on:
 - the character and appearance of the streetscene; and
 - the living conditions of the occupiers of neighbouring properties, with particular regard to privacy.

Reasons

Character and Appearance

8. The site comprises a detached cottage fronting Preston Road, with a single storey garage extension to one side, and a single and double storey extension to the other. The proposal seeks various works, with the Council's refusal based on the garage roof enclosure by 1.2m obscure glass screening to the side and rear, and clear glass screening to the front. This would then allow its use as a roof terrace.

9. The Chorley Householder Design Guidance Supplementary Planning Document (SPD) requires that extensions respect the existing house and the surrounding buildings in terms of scale, size, design and facing material. The Framework paragraph 135 also requires that development functions well and adds to the overall quality of the area, is visually attractive, and is sympathetic to the surrounding built environment.
10. The height of the terrace privacy screening would be in proportion with the scale of the overall host building and the eaves height. The clear frontage screening would be somewhat evident but would allow the massing of the original dwelling to maintain its importance. The side and rear screening would be obscure, which would therefore increase its prominence as solid massing and modern juxtaposition, particularly in direct views from the south. Notwithstanding this, it would appear relatively lightweight, with a much less dominant effect than were it additional brick massing at height.
11. The dwelling is set back from Preston Road behind a front boundary wall and tall trees, thus providing some concealment and a dwelling which is not overly prominent in the wider streetscene. Other dwellings along this stretch of Preston Road display a wide variety in design, materials, and form, such that the introduction of this new element would not be discordant in this context.
12. Overall therefore, I find the entirety of the built form of the proposal as sought would be acceptable in terms of its effect on the character and appearance of the streetscene. It would comply with Policy HS5(a) of the Chorley Local Plan 2012-2026 (LP), which requires extensions to respect the existing house and the surrounding buildings in terms of scale, size, and design.

Living Conditions

13. The roof terrace area would be in an elevated position adjacent to the private road driveway to Nos. 602, 604, and 606 Preston Road. These neighbouring occupiers have objected on the grounds of overlooking and a resulting impact on privacy.
14. The Householder Design Guidance SPD paragraph 3.1 identifies that the installation of balconies and terraces is almost always problematic, as they will lead to unacceptable overlooking of neighbouring properties in most suburban areas. The Framework Paragraph 135 requires that developments should ensure a high standard of amenity for existing and future users.
15. It is the prolonged and multiple person use of a balcony or terrace area which creates an additional impact, beyond the more fleeting views which would be expected from the inside of rooms. The perception of such overlooking is also important. Even if specific direct overlooking is not occurring by persons present on a terrace, the impression for those below would still be the potential that it is, or that it may occur at any time.
16. Gardens are commonly overlooked, and the front garden of No. 602 does not have total privacy due to the adjacent access drive and oblique views from the front windows of No. 606. However, in this instance the formation of the first floor terrace would introduce a new overlooking relationship. The screening around the proposed terrace would only be a height of 1.2m, whereby views would thus still be gained from persons standing up on it, or indeed, when sitting down depending on the height of the chair. As such, persons on the terrace would have relatively

unobstructed views into the upper floor windows and garden of No. 602. These would be at a closer range and from a higher angle than any views currently gained. I noted this on my site visit from standing on the proposed terrace area.

17. It would not be possible to restrict the length of time for which the roof terrace could be used, or by how many people. Overall, I therefore find that there would be a severe impact on the privacy of No. 602 resulting from the new terrace area.
18. I have considered whether I could impose a condition to require agreement of amended details or positioning of the privacy screening, which may thus overcome the overlooking impact on neighbours. However, the height of any such screening which would be required would then likely cause harm to the character of the streetscene, particularly because it would rise above the eaves height of the host dwelling. It is therefore not appropriate to leave this matter to be determined by condition.
19. I do find that there would be no undue impact on privacy with respect to the relationship with Nos. 604 and 606, as a driveway area is not one which would normally expect significant privacy, and there would only be very oblique views into windows. I also find that views from persons standing just inside the dormer looking outwards would be more restricted and further away than they would be from the terrace, and would be much more fleeting. As such, this would also reduce the perception of overlooking from the neighbouring property. I therefore find fenestration in this dormer to be acceptable.
20. In conclusion, the roof terrace element of the proposed development would result in an unacceptable impact on privacy on the living conditions of neighbouring occupiers. This would conflict with the LP Policy HS5(b) which requires development to have no unacceptable adverse effect on the amenity of neighbouring properties through overlooking or loss of privacy.

Other Matters

21. Although the proposal would be an effective use of land, the creation of the additional living space is only a private benefit, which would not outweigh the harm which I have identified. There would be a very minor economic benefit from the use of local builders and tradespersons. The impact on property value is not a material planning consideration.
22. I find the roof terrace element to be both physically and functionally severable from the remainder of the development sought. The side dormer, and the conversion of attached garage to habitable accommodation including replacement of garage door with full height windows, is capable of being built and then used for its intended purpose without the roof terrace and privacy screening element. The dormer and conversion part of the proposal would cause no harm, and would comply with the LP Policy HS5, a position with which the Council concurs.
23. As such, I have decided to issue a split decision to allow only part of the development sought. To achieve this, and to ensure there would be no access onto the roof for safety reasons and to ensure the privacy of the neighbours, glass screening or similar in a 'Juliet balcony' style would be required for the dormer door. Alternatively, I see no reason why this door should not be amended to a window only opening. For this purpose, I have imposed a condition to require further details to be submitted to the Council for agreement.

Conditions

24. I have attached the statutory condition to limit the lifespan of the planning permission, and specified the approved plans to provide clarity for the terms of the permission.
25. Condition 3 secures a 2 month timescale to submit details for amendments to the dormer fenestration, which would then need to be installed within 3 months of the Council's agreement. This is to ensure the safety of the occupiers so that there can be no access onto the roof, and to ensure the privacy of neighbours. Condition 4 provides further assurance for no roof terrace use.

Conclusion

26. The roof terrace part of the scheme would conflict with the development plan as a whole. However, the remainder of the works would be clearly severable from it, both physically and functionally. For the reasons given above, and having regard to all other matters raised, I conclude that the side dormer and conversion of attached garage to habitable accommodation including replacement of garage door with full height windows would accord with the development plan taken as a whole. Therefore the appeal is allowed insofar as it relates to the side dormer and conversion of attached garage to habitable accommodation including replacement of garage door with full height windows, but dismissed insofar as it relates to the provision of a roof terrace above the garage, and erection of privacy screens.

L N Hughes

INSPECTOR