



Appeal Decision

Site visit made on 25 February 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/N2345/W/24/3355756

Woodend Farm, Tower Lane, Fulwood, Preston PR2 9HN

- 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 Riyaz Patel against the decision of Preston City Council.
 - The application Ref is 06/2024/0805.
 - The development proposed is replacement dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - i) The character and appearance of the area; and
 - ii) The living conditions of the residential occupiers of 37 Deborah Avenue, with particular regard to outlook and light.

Reasons

Character and appearance

3. Woodend Farm is a detached single storey dwelling with roof dormer. It is set back from the road to the south of Tower Lane in a large plot with mature vegetated boundaries. The plot is bordered by residential development to three sides and Sherwood Green playing fields to its south-west boundary. It is in a residential area characterised by closely spaced and modestly scaled detached and semi-detached 2 storey dwellings dating from the second half of the 20th century.
4. The proposal would be a substantial detached dwelling with living accommodation over 3 floors. The part single, part 2 and part 3 storey building would be set back behind a hardstanding frontage. A narrow driveway to the side would lead to a detached double garage and workshop, which would be sited to the rear of the dwelling and adjacent to the rear boundary of Deborah Lane properties.
5. The proposed dwelling would be set back from the road and in from the rear boundary, but the built form would span much of the width of the plot. While the neighbouring properties are also sited close to side boundaries, the appeal site is exceptionally large and apparently several times the size of plots that characterise the surrounding townscape. Consequently, while the proposal might be in keeping with the prevailing built development to plot ratio, the dwelling would be significantly larger than the ordinary dwellings nearby. In this regard, the disproportionately large footprint, and hence scale, of the dwelling is clearly illustrated by the block

- plan. The substantial bulk of the dwelling would be emphasized by its tight spacing to the side boundaries and its proximity to neighbouring residential built form.
6. By virtue of its siting and excessive bulk, height and scale, the dwelling would be a prominent feature in views from Tower Lane, the playing fields and neighbouring dwellings. It would be rendered more conspicuous by its somewhat ornate design which, taking its cues from Georgian architecture, would be markedly out of keeping with the unassuming surrounding townscape. While brick, ashlar stone and slate are traditional materials, the mock Georgian mansion with its imposing front elevation and architectural details would not reflect or respect the local townscape. The design of the proposal would not be sensitive to the local context and it would not integrate into its surroundings. It would be a dominant and discordant feature that would not contribute positively to a harmonious townscape.
 7. Woodend Farm is of no architectural or historic merit and it is poorly related to the surrounding townscape, including in terms of its single storey design, siting and plot size. However, while the proposal might represent higher quality design and enhanced living accommodation, it would be considerably more prominent and incongruous in its setting than the relatively unobtrusive existing development. The design of Woodend Farm does not provide a justification for the proposal.
 8. The proposed site plans and landscape layout illustrate the appeal site as well as trees and hedges on neighbouring land. However, there could be no guarantee that adjacent screening vegetation would be maintained. Taking into account the narrow separation, little meaningful landscape screening could be accommodated between the dwelling and the playing field boundary. A coniferous hedge is proposed to the Deborah Avenue boundary, to be maintained at a maximum of 6m tall to the rear of No 37. Once established, this would help screen the proposal from Deborah Avenue, although it would overshadow the neighbours. Irrespective, vegetation is temporary and should not be relied upon to screen development from view. Landscape planting would not mitigate the adverse visual impact of the scheme.
 9. Planning permission (ref 06/2021/1620) was granted in 2022 for a detached dwelling and garage at Land adjacent to Broughton Tower Farm, which is in a secluded location further along Tower Lane. The related Council's officer report notes that properties along that section of Tower Lane comprise a mix of detached dwellings in large plots to either side of the road and, although substantially large, the contemporary dwelling sits comfortably in its plot. It was found to be not out of keeping, taking into account that its scale parameters were acceptable for its context and the varied surrounding built environment. It therefore differs from the proposal, which would be disproportionately large, out of scale and markedly out of keeping with the unassuming neighbouring dwellings.
 10. At 22 Tower Lane, planning permission (ref 06/2021/0718) was granted for a scheme including a first floor extension to create a 2-storey dwelling, single and 2-storey extensions and a front porch. In that case, the addition of a first floor and pitched roof was more in keeping with the surrounding residential townscape than the existing flat roof single storey dwelling. Moreover, while the upwards extension results in a significant increase in the height and scale of No 22, the proposal was nevertheless a modest 2-storey dwelling. Schemes elsewhere that are not directly comparable to the proposal do not provide a justification for it.

11. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with Policy 17 of the Central Lancashire Adopted Core Strategy July 2012 (the CS) and Policies AD1(a) & EN9 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) Adopted July 2015 (the LP). These require, among other things, that proposals respond to their context and make a positive contribution to local distinctiveness, taking into account the character and appearance of the area including massing, scale and design.

Living conditions of neighbouring residential occupiers

12. The appeal site shares a boundary with the rear of Deborah Avenue. The bulk of the longest side elevation would be closest to and within about 13m of the rear elevation of No 37, which is a semi-detached 2-storey dwelling with an enclosed rear garden. While the rearmost part of the facing side elevation of the proposal would be single storey, there would be a significant increase in the bulk of 2 and 3 storey built development close to the rear of No 37.
13. The design and separation distance would avoid overlooking and loss of privacy between habitable room windows. However, the proximity of the expansive side elevation to the boundary would render the proposal visually obtrusive and overbearing to the neighbours in their rear garden and dwelling. Moreover, by virtue of its large size, scale and siting, the proposal would likely to overshadow the rear and rear garden of No 37 for part of the day, including in the mornings and during winter months when the sun is lower in the sky. Consequently, the proposal would be detrimental to the neighbours' residential amenity.
14. The existing vegetation along the shared boundary is likely to result in some shading of the rear of No 37. However, the permanency, bulk and expanse of the proposal would be markedly different to the shading effects from scattered trees. The proposed hedge to the shared boundary would screen the proposal from the rear of No 37. However, I am not persuaded that an overly tall and dense conifer hedgerow would mitigate the adverse impact on the neighbouring occupiers.
15. Therefore, I conclude that the proposal would harm the living conditions of the residential occupiers of 37 Deborah Avenue, with particular regard to loss of light and outlook. It would conflict with CS Policy 17 and LP Policies AD1(a) and EN9. These require, among other things, that proposals avoid adverse impacts on residential amenity. It would also conflict with the residential amenity aims of the National Planning Policy Framework 2024 (the Framework).

Other Matters

16. The application form refers to the proposal as a self-build development for the purposes of Biodiversity Net Gain Exemption. The Framework advises that planning policies should reflect the housing needs of different groups in the community, including people who wish to build their own homes (with reference to the Self Build and Custom Housebuilding Act 2015). However, there is little evidence that the appellant is on the local authority register of people seeking to acquire serviced plots or that the Council is failing meeting the identified demand through sufficient suitable development permissions. Neither party suggests a condition requiring occupation of the dwelling by the person who built it, which in any case might not pass the Framework tests for conditions. Moreover, no planning obligation has been provided to ensure that the proposal would be self-build housing. Therefore, this is not a matter that weighs in favour of the appeal.

17. The redevelopment of a previously developed site in an accessible residential area would be acceptable in principle. As the appeal site is already in residential use, the proposal would not be an additional dwelling such as would make a net contribution to the supply of housing. There would be adequate on site parking provision and conditions could be imposed to secure satisfactory drainage details, tree protection during works, and landscaping. These are neutral matters.

Conclusion

18. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
19. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR