



Appeal Decision

Site visit made on 15 May 2025

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/M2325/D/25/3363679

11 Eden Avenue, Lytham St Annes, Lancashire FY8 5PS

- 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 Andrew Ives against the decision of Fylde Council.
 - The application Ref is 24/0662.
 - The development is the alteration of dwelling (i) reconfiguration of window and door arrangements to ground floor side elevation of dwelling outrigger (ii) render to side and rear ground floor elevation of dwelling outrigger and (iii) demolition and rebuild of single storey building to rear
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Decision

1. The appeal is allowed and planning permission is granted for the alteration of dwelling (i) reconfiguration of window and door arrangements to ground floor side elevation of dwelling outrigger (ii) render to side and rear ground floor elevation of dwelling outrigger and (iii) demolition and rebuild of single storey building to rear at 11 Eden Avenue, Lytham St Annes, Lancashire FY8 5PS in accordance with the terms of the application, Ref 24/0662, and the plans submitted with it.

Procedural Matters

2. The works, the subject of the appeal scheme, have already been completed. The application is accordingly retrospective. For the avoidance of doubt, I have determined the appeal on this basis.
3. The appeal scheme consists of a number of elements. The Council's concern relates to the window and door alterations to the side elevation of the dwelling and the use of render. I shall accordingly direct my assessment to these elements of the appeal.
4. The Council amended the description of the development and I have accordingly used this description as it is more accurate.

Main Issue

5. The main issue in the appeal is the effect of the development on the character and appearance of the dwelling and the area having regard to its conservation area status.

Reasons

6. The appeal property, No 11 Eden Avenue (No 11) is a semi-detached Victorian villa situated within the Lytham Avenues Conservation Area (LACA) where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the area.¹ In addition, the National Planning Policy Framework (the Framework) states that great weight should be attached to the conservation of designated heritage assets, in this case the LACA.
7. There is no LACA appraisal before me but on the information before me, the LACA comprises properties of a similar design and appearance set out in a grid pattern with front gardens enclosed by low level brick walls. The buildings of similar architectural styles of traditional design and materials and historic grid pattern positively contribute to the character and significance of the LACA. An Article 4 direction which has removed some permitted development rights to the dwellings is in force throughout the LACA.
8. Although red brick is the dominant feature of the materials used in properties within the LACA I noted numerous examples of properties which incorporated rendered elements on their elevations and which were visible within the streetscene. The works to No 11 relate only to the side rear outrigger elevation at single storey level of the dwelling. Due to its set back from the front elevation and the presence of a gate, they have a limited impact on the overall design and appearance of the dwelling within the streetscene. The render does not make the dwelling unduly prominent and the variation in the appearance of the dwelling is not materially significant to the prevailing character of the area.
9. The reconfiguration of the windows and doors features of the side elevation and introduction of aluminium framed doors and windows gives this part of the the dwelling a more modern appearance than the front of the building. However views of this elevation are limited and they are not so visible as to be dominant. The side elevation is set well back, is enclosed and relatively well screened by a boundary gate. Overall, the development does not cause harm to the character and appearance of the dwelling or the area.
10. I accept that the modernisation has resulted in the loss of traditional architectural materials and styles and the Council's concern as to the significance of retaining the authenticity of building styles, materials and colour within a conservation area. However, I noted several examples within the immediate location of UPVC and modern windows within the side elevations of dwellings and a general overall visual appearance within the LACA has nonetheless been retained. I do not therefore consider that the changes, integrated as part of the modernisation of the dwelling, demonstrably erodes the character or distinctiveness of the dwelling nor the contribution it makes to the LACA.
11. Accordingly the development does not cause harm to the character and appearance of the dwelling or that of the surrounding area. It thereby preserves the character and appearance of the LACA causing no harm to its significance. Accordingly the question of public benefits to outweigh any harm does not arise. Therefore, it would not conflict with Policies GD7 and ENV5 of the Fylde Local Plan to 2032 (incorporating Partial Review)(adopted December 2021) which requires

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

development to relate well to the surrounding context and to conserve or enhance the built and historic environment. The development also accords with the Framework which requires development to be sympathetic to local character whilst enhancing the significance of heritage assets.

Other Matter

12. Concerns have been raised about the retrospective nature of the application and the nature and extent of the works undertaken in the first instance. I have noted the concerns expressed but nevertheless having considered the development on its own merits I have found it to be acceptable for the reasons explained.

Conditions

13. As the development has taken place the conditions suggested by the Council are no longer necessary.

Conclusion

14. For the reasons given and having regard to all matters raised, I hereby allow the appeal as set out in the formal decision notice above.

K Winnard

INSPECTOR