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## Appeal Decision

Site visit made on 7 May 2025

**by K Lancaster BA (hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 3<sup>rd</sup> June 2025**

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**Appeal Ref: APP/A2335/D/25/3359577**

**Wingates, Westbourne Drive, Lancaster, Lancashire LA1 5EE**

- 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 Wordsworth and Miss Sullivan against the decision of Lancaster City Council.
  - The application Ref is 24/01054/FUL.
  - The development proposed is the demolition of existing single storey rear extension and garage and creation of a new part two storey, part single rear and side extension.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing single storey rear extension and garage, erection of a single-story side extension and two storey rear extension, installation of roof lights and solar panels at Wingates, Westbourne Drive, Lancaster, Lancashire LA1 5EE in accordance with the terms of the application, Ref 24/01054/FUL, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawing no's:
    - L3846 03 (Proposed Site Plan)
    - L3846 02 Rev A (Proposed Elevations and Section)
  - 3) Prior to the occupation of the development hereby permitted details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the extension is occupied.

### Preliminary Matters

2. Since the determination of this application, the Council adopted on 22 January 2025, a climate emergency review of the Local Plan for Lancaster District 2020-2031, Part One: Strategic Policies and Land Allocations Development Plan Document, and Part Two: Development Management Development Plan Document (the DMPD). The main parties have been consulted on the implications of these documents on the appeal.
3. I have amended the description of development used in my decision from that set out in the banner heading above, which has been taken from the planning

application form. The revised description is the demolition of existing single storey rear extension and garage, erection of a single-story side extension and two storey rear extension, installation of roof lights and solar panels and this was used by the Council in advertising the application for the statutory consultation. This description more accurately describes the proposals as shown on the plans and I have considered the appeal on this basis

### **Main Issue**

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of Littlebirch, with particular regard to outlook and light.

### **Reasons**

5. The appeal site, Wingates comprises a semi-detached bungalow with a dormer window addition to its front elevation. It is finished in stone and pebbledash with wood cladding to the dormer, under a tiled roof with white uPVC windows. The adjoining semi-detached bungalow, known as Padeswood is of a similar style and design, but has been extended to the rear. To the rear of the appeal property is a row of two storey terraced properties situated on Ashfield Avenue.
6. The appeal property has good-sized front and rear gardens with a single detached garage situated to the side and rear of the property close to the boundary with 69 Westbourne Drive (No.69). It also shares a boundary with Littlebirch (No.71 Westbourne Drive) which sits within a large corner plot.
7. The proposed development would involve the demolition of an existing single storey rear extension and garage and the erection of a single storey side extension and two-storey rear extension, with the installation of rooflights and solar panels. The proposed extensions would be finished in an off-white render with a combination of grey aluminium and grey uPVC windows under a natural slate roof. Solar panels will be installed on the southeast elevation of the two-storey rear extension.
8. Policy DM29 of the A Local Plan for Lancaster District 2020-2031 Part Two: Development Management Development Plan Document, adopted January 2025 (the DMDPD) states that the Council will expect development to ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.
9. The supporting text to Policy DM29 of the DMDPD states that in respect of overlooking, there should normally be at least 21 metres between dwellings where windows of habitable rooms face each other and 12 metres where a habitable room faces onto a side wall with no such window. Whilst the proposed extensions would be within 12 metres of Littlebirch, the Council has raised no specific concerns in relation to privacy and overlooking. There would be no new windows within the side elevation of the appeal property and therefore the proposed development would not lead to increased opportunities for overlooking or any loss of privacy.
10. The Council has nonetheless referred to these measurements when assessing whether the proposed development would have a harmful effect as a result of outlook and overshadowing. In this respect, I acknowledge that the proposed single storey side extension would extend further forward than the existing garage,

measuring approximately 10.5 metres in length and 2.8 metres in width. It would have a pitched roof and a maximum height of 3.7 metres and an eaves height of 2.2 metres. However, whilst the existing garage is currently built-up to the boundary, the proposed garage would be set away from the shared boundary with both Littlebirch and No.69.

11. The proposed two storey extension would extend the full width of the existing property and would measure approximately 6.1 metres in depth, with a maximum height of 5.9 metres and an eaves height of 2.4 metres. The two-storey element of the proposed development would be located directly to the rear of the appeal property and would not be closer to Littlebirch than the existing property.
12. The windows likely to be most affected by the proposed extension serve a kitchen/dining room and a bedroom and are therefore habitable rooms. The proposed development would also be located close to the courtyard which is located to the rear of Littlebirch.
13. In respect of light, the appellant has submitted a diagram which indicates that the 45-degree test is met and that the proposed extensions would not have a harmful effect to the light experienced by the habitable room windows. Therefore, whilst I accept that the position and proximity of the proposed extension to Littlebirch would be likely to result in some change in terms of outlook from the windows which face towards the appeal site, there would not be any material change in light experienced from these windows.
14. Whilst diagram has not been provided to assess the change in light entering the courtyard, based on the size of the courtyard and its proximity to existing built features, including the boundary fence, I find, on balance, that the proposed development by virtue of being single storey and set away from the boundary would be unlikely result in any significant detrimental impact in terms of overshadowing.
15. In respect of outlook, the closest part of the proposed development would be single storey and set away from the boundary. Whilst I acknowledge that the proposed two-storey extension would be within 12 metres of Littlebirch due to its siting and design, would not have a dominant presence on the outlook of neighbouring occupiers.
16. The existing courtyard is already enclosed by high fences and features a roof overhang. As a result, these features already limited the level of outlook experienced from these windows. Furthermore, the property also has additional garden areas to the side and front which would be unaffected by the proposed development. Therefore, on balance, I find that the proposed development would not be likely to result in a significant detrimental impact on living conditions of the occupiers of Littlebirch, with regard to outlook.
17. In relation to Padeswood, the Council concluded that there would be no harmful effects by virtue of the proposed development being overbearing, overshadowing or overlooking, given that Padeswood has already been extended to the rear. They acknowledge that whilst one of the rooflights may experience some overshadowing, the kitchen is served by a number of openings such that it would not give rise to harm in relation to loss of light.

18. It is also not disputed that the proposed development would provide an adequate separation distance to the properties to the rear, located on Ashfield Avenue. Based on the evidence before me and my own observations at my site visit, I see no reason to disagree.
19. The Council raised initial concerns about the need for details of the boundary treatments which would be installed following demolition of the existing garage. However, it has been agreed by the main parties that this could be secured by condition. Based on the evidence before me, I see no reason to disagree.
20. Consequently, for the reasons set out above, I therefore conclude that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of Littlebirch, with particular regard to outlook and light. Thus, it would be in accordance with Policy DM29 of the DMDPD which requires amongst other things, new development to ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.

### **Other Matters**

21. The property is located within the Cannon Hill Conservation Area (the CHCA). Therefore, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
22. The significance of the CHCA lies in it having been designated as a good example of a residential suburb of low-density housing built for the middle classes in the late C19th. The CHCA Character Appraisal states that the area reflects an important aspect of the city's historic development, as well as containing some fine examples of Victorian domestic architecture. It is characterised by large stone-built houses set in spacious grounds, with a plot layout that reflects earlier field boundaries.
23. The Council concluded that the proposed development would preserve the special character and appearance of the setting of the conservation area. Based on the evidence before me and my own observations, I see no reason to disagree.

### **Conditions**

24. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the National Planning Policy Framework and the advice in the Planning Practice Guidance. I have made minor amendments, where necessary, to ensure the conditions comply with these documents.
25. I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2). It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
26. A further condition (3) is imposed in the interests of certainty to and to ensure that the boundary treatments are installed between the appeal site and neighbouring properties following demolition of the existing single storey garage.

## **Conclusion**

27. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

*K Lancaster*

INSPECTOR