



Appeal Decision

Site visit made on 11 July 2025

by **J D Westbrook BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/A2335/D/25/3365942

22 Longmeadow Lane, Heysham, Morecambe, LA3 2FH

- 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 and Mrs D Hainsworth against the decision of Lancaster City Council.
 - The application Ref is 25/00192/FUL.
 - The development proposed is alterations to conservatory to create a single-storey rear extension, erection of a lower ground-floor single-storey extension with raised patio and glass balustrade above.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to conservatory to create a single-storey rear extension, erection of a lower ground-floor single-storey extension with raised patio and glass balustrade above, at 22 Longmeadow Lane, Heysham, Morecambe, LA3 2FH in accordance with the terms of the application, Ref 25/00192/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: 01/0624/H01, Existing and Proposed.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed raised patio on the living conditions of the occupiers of No 24 Longmeadow Lane by way of privacy.

Reasons

3. No 22 is a detached house situated on the southern side of Longmeadow Lane. It is a two-storey dwelling having an integrated lower ground-floor garage to the side with living accommodation above. The topography of the area is such that the property slopes down from west to east, and the ground level of the appeal property is around 0.5 metres above that of the neighbouring No 24. The proposal would include the replacement of the existing rear conservatory with a sun room, the construction of a garden room at lower ground-level to the rear of the garage, and the extension of the existing rear patio above the garden room. The extended patio would have a tinted glass balustrade all round.

4. Policy DM29 of the Council's Local Plan, adopted in January 2025, (LP) indicates that development should ensure that there would not be any significant detrimental impact to amenity in relation to privacy and overlooking, Paragraph C6 of the Council's Householder Design Guide (HDG) indicates that raised decking, terraces, patios and balconies must be sited and designed to protect the privacy of neighbouring properties and their gardens.
5. The Council considers that the construction of the sun room and the garden room would not be detrimental to the residential amenities of the occupiers of the neighbouring properties. I concur with that view. However, the Council contends that the extension of the raised patio would result in overlooking and loss of privacy to the occupiers of the adjacent No 24, by reason its increase in height and proximity to the boundary.
6. The existing patio is set around 2 metres above the level of the lower ground patio. The proposed garden room would be set around 0.5 metres lower than the existing ground level, such that the proposed extended raised patio would continue across its roof. I acknowledge that the extended patio would be in very close proximity to the boundary with No 24. However, the tinted glass balustrade, which would be some 1.2 metres high along most of its length, would be 1.8 metres high along the boundary and continue at that height for some 1.5 metres along the patio. This would effectively prevent any direct overlooking from that part of the raised patio closest to the boundary.
7. In addition to the above, I note that No 24 has a large rear single-storey extension, some 5 metres in length along the boundary, and which has a pitched roof. From the raised patio, it would not be possible for occupiers of the appeal property to see over the extension into the most private section of the garden at No 24, close to the rear elevation. Moreover, given that the rear elevation of No 22 is set approximately 3 metres behind that of No 24, the bulk of the extension at No 24 would act as an effective screen to views from the raised patio at the appeal property over almost all of the rear garden.
8. In conclusion, I find that the proposed raised patio, by virtue of both the high balustrade along the boundary and the screening effect of the rear extension at the adjacent No 24, would not result in any harmful overlooking or loss of privacy to the occupiers of No 24. On this basis, it would not conflict with Policy DM29 of the LP or with paragraph C6 of the HDG. Accordingly, I allow the appeal subject to the conditions set out above.

Conditions

9. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the host property and the surrounding area.

J D Westbrook

INSPECTOR