



Appeal Decision

Site visit made on 11 November 2025

by **E Fawcett BA (Jt Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th December 2025

Appeal Ref: APP/P2365/W/25/3370991

2 Pear Tree Mews, Lathom, Lancashire L40 5WD

- 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 John Turner against the decision of West Lancashire Borough Council.
 - The application Ref is 2025/0465/FUL.
 - The development proposed is described as “The single storey extension is to be brick walled with side standard bi-fold doors. It is to have a flat parapet fibre glass roof with stone capping and a raised lantern style roof with no glazing, to be finished in same slate style as current house”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of their submission, the appellant has put forward an alternative scheme that would lower the height of the external walls to the extension and slightly enlarge the size of the lantern roof element. It is not the purpose of the appeal process to evolve a scheme, and it is therefore important that what is considered by the Inspector is essentially the same scheme that was considered by the Council and interested parties at the application stage. However, I have considered whether to accept the amended plans.
3. Having regard to the *Holborn* judgment (*Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)) which refined the *Wheatcroft* principles (*Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]), I conclude that the amendments constitute a substantial change to the scheme determined by the Council. I am mindful that those who should have been consulted on the changed development have not had the opportunity to make representations. I therefore cannot be certain that accepting the alternative scheme would not be prejudicial to interested parties. I have therefore determined the appeal against the plans considered by the Council when it made its decision.
4. The appeal property is located within the West Lancashire Green Belt. The effect of the development on the Green Belt is not a matter under dispute and therefore does not form a main issue under consideration as part of this appeal.
5. A discrepancy exists between the submitted elevation drawings and the corresponding floor plans. However, I have enough detail before me to form the basis of my overall planning assessment. Had I been allowing the appeal, I would have pursued this matter further with the parties.

Main Issues

6. The main issues are the effect of the development on:
- the character and appearance of the appeal property; and
 - the living conditions of the occupants of 1 Pear Tree Mews with particular regard to outlook and daylight.

Reasons

Character and Appearance

7. The appeal property comprises a large two-storey 'L' shaped detached dwelling constructed of red brick under a pitched slate roof and shares some characteristics with more traditional properties in the local area. It forms part of a small group of relatively new dwellings.
8. The proposal constitutes a substantial addition to the rear of the dwelling, rising to a height just below the upper floor windows. The Council's Design Guide Supplementary Planning Document (SPD) sets out some guiding principles for extensions, including that their length or width should generally not exceed 2 thirds of the corresponding dimension of the existing property. The SPD goes on to say that it is important that rear extensions have a size, scale, form and external appearance, which do not compromise the architectural style or character of the existing property.
9. By reason of its large scale, particularly the depth and height, the extension would appear disproportionate to the host dwelling and, in this regard, would conflict with the guidance in the SPD. The proposed roof design, incorporating a parapet detail, would accentuate the height of the extension and fail to relate to the character and appearance of the existing building. The proposal would compromise the existing architectural style of the dwelling which, whilst modern, is well-designed and responds positively to its rural setting.
10. I therefore conclude that the proposed development would cause harm to the character and appearance of the appeal property and, in this regard, would conflict with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document (Local Plan) which seeks to ensure, amongst other things, that extensions relate to the existing building in terms of their design and materials.

Living Conditions

11. The appeal property shares a side boundary with 1 Pear Tree Mews (No 1). Although detached, the dwellings at No 1 and No 2 are positioned in close proximity and are divided by a timber boarded fence. The rear elevation of No 1 contains a set of 3 glazed doors located close to the boundary with the appeal property.
12. The proposed development would extend significantly beyond the rear wall of No 1 and would be very close to the shared boundary. The depth, proximity and height of the extension, which would project significantly above the boundary fence, would dominate the outlook from the nearest ground floor room and create an overbearing effect on the rear garden of this neighbouring property. In addition,

based on all the information available, I am not satisfied that there would not be a harmful effect on daylight to the nearest ground floor room at No 1.

13. In light of the above, I conclude that the proposed development would unacceptably harm the living conditions of the occupants of No 1, with particular regard to outlook and daylight. In this regard it would conflict with Policy GN3 of the Local Plan which states that proposals should, amongst other things, retain or create reasonable levels of amenity for occupiers of the neighbouring properties.

Other Matters

14. Whilst reference has been made to an earlier decision relating to an application as to whether prior approval was required for a similar development, that application was subject to separate considerations to the planning application which is before me. Whilst no objections may have been raised by occupants of neighbouring properties, it does not follow that the application should be approved, taking into account the harm identified above.

Conclusion

15. For the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh this conflict. Therefore, the appeal is dismissed.

E Fawcett

INSPECTOR