



Appeal Decision

Site visit made on 7 January 2026

by Ann Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026

Appeal Ref: APP/A2335/D/25/3376049

25 Hazelmount Drive, Warton, Lancashire LA5 9HR

- 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 Winder against the decision of Lancaster City Council.
 - The application Ref is 25/00888/FUL.
 - The development proposed is described as 'part retrospective application for a rear side extension and re-roofing of garage and porch'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although slightly different to that on the decision notice, no confirmation that a change was agreed has been provided.
3. At the time of my visit, I noted that building works for the development being applied for were well advanced. For the avoidance of doubt my decision relates to the proposals shown on the submitted plans. The fact that building works were in progress does not affect my decision.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions for occupants of the neighbouring dwelling, 27 Hazelmount Drive (No.27), with particular regard to outlook, daylight and sunlight.

Reasons

5. The appeal site is a detached dwelling within a residential area of similar properties. A flat roof garage is attached to the side of the property, flush with the front elevation.
6. Given the proposed height above the existing boundary fence together with its and considerable length, the proposed garage extension would present a sizeable structure along the boundary with No.27. A ground floor window on the side elevation of No.27, which evidence suggests serves as the sole window to a bedroom, would directly face the side elevation of the proposed extension at close distance. Although there would be a narrow gap in between, due to its height and length, the occupants of this room would be faced with a dominant blank flank wall in proximity to the window. This would result in an oppressive sense of enclosure and an imposing outlook for occupants of No.27.

7. The side window at No.27 already faces the side elevation of the appeal property, and the existing garage is close. However, the proposed extension would fill the existing space afforded between the side wall of the appeal property and the boundary fence, unacceptably diminishing the outlook from the ground floor bedroom window of No.27.
8. Due to the orientation of the sun and the proximity of the proposed extension, there would also likely be an adverse impact for occupants of this room in relation to daylight and sunlight. The appellant's evidence indicates sunlight would enter the room during parts of the day in the summer months. This would be unlikely to be the case during winter months when the sun is lower in the sky, as I observed at my site visit on a sunny late morning in January, when most of the room would be in shade despite the fact that the height of the proposed extension closest to the boundary with No.27 would be lower than the top of the window of this room.
9. I recognise that the proposed extension would be single storey, would have a relatively flat roof, and would be positioned at a slightly lower ground level to No.27. Nonetheless, because of its length, height and proximity, it would lead to overshadowing of the ground floor side window of No.27 for a large part of the day and year. This would result in a gloomy room for occupants.
10. Accordingly, for the above reasons I find the proposed development would not provide acceptable living conditions for occupants of the neighbouring dwelling, No.27, with particular regard to outlook, daylight and sunlight. The proposal conflicts with Policy DM29 of A Local Plan for Lancaster District 2020-2021, Part Two: Development Management Development Plan Document (climate emergency review), adopted 22 January 2025, in so far as this policy seeks, amongst other things, that development has no significant detrimental impact to amenity in relation to overshadowing and massing. The proposal would also fail to accord with the aims of paragraph 135 of the National Planning Policy Framework where it seeks a high standard of amenity for existing and future users.

Other Matters

11. It is claimed by the appellant that a higher fence could be erected along the boundary with No.27 and that an extension could be constructed to the rear of the existing garage under permitted development rights relating to fences and extensions respectively. I consider these to be material considerations as fallback positions in that there is more than a theoretical possibility of such development being carried out in the event of the appeal being dismissed given that work on an extension has already begun.
12. However, from information submitted by both main parties, the proposed development, albeit to a limited extent, would represent an additional length and height of built form along the boundary with No.27 than that which may be possible under permitted development rights. It has not been shown that the fallback positions would have a worse impact in relation to their effect on the living conditions of occupants of No.27 when compared to the appeal proposal. Therefore, I do not weigh the above fallback positions as a consideration in favour of the proposed development.
13. My attention has been drawn by the appellant to other nearby examples of single storey extensions in proximity to a boundary with a neighbouring property that have been approved by the Council. However, I have not been provided with the

full details or the background of these individual examples to make robust comparisons. Site-specific factors and circumstances in each case are likely to be different. In any event, as I am required to do, I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

14. The proposed development conflicts with the development plan as a whole. There are no material considerations which indicate that the appeal should be decided other than in accordance with it.
15. Therefore, for the reasons given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Ann Veevers

INSPECTOR