



Appeal Decision

Site visit made on 25 April 2019

by R Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/M2325/W/19/3221393

121 Lytham Road, Bryning with Warton PR4 1AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Barker against the decision of Fylde Council.
 - The application Ref 18/0559, dated 10 July 2018, was refused by notice dated 19 October 2018.
 - The development proposed is erection of two storey apartment block on land to rear of existing properties to provide five flats (4x2 bed, 1x1 bed).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council amended the description of development on the planning application form from 'Proposed 5No. new 1/2 bedroom dwellings' to 'erection of two storey apartment block on land to rear of existing properties to provide five flats (4x2 bed, 1x1 bed).' This is also the description used by the appellant on the appeal form. I consider this to be a more accurate description than the original and I have therefore used it in the banner heading above.
3. The policies of the Fylde Borough Local Plan referred to by the Council in its decision notice have been superseded by policies from the Fylde Local Plan 2032 which was adopted since the Council's decision was made. As the now adopted policies are similar to those in the submission version referred to in the decision notice, neither party has been prejudiced by this change in policy circumstance.
4. Subsequent to the date of the Council's decision, the Government published its revised National Planning Policy Framework (the Framework). Having considered the role and content of revisions, I do not consider it necessary to re-consult the main parties about this change in national policy in relation to this case.

Main Issues

5. The main issues are the effect of the development on i) the living conditions of existing and future occupiers, ii) the adjoining employment use, iii) the character and appearance of the area, and iv) highway safety.

Reasons

Living Conditions – existing occupiers

6. The proposed apartment block is located to the rear of existing dwellings that front Lytham Road. At first floor, the accommodation has been arranged with the main living/kitchen areas, as well as bedrooms facing the rear of those dwellings. The minimum separation distance shown on the application drawings is approximately 15.8m between the bedroom of apartment 4 and No 125 Lytham Road (No 125). I have not seen an internal layout to No 125, but I saw on my site visit bedroom windows at first floor. Whilst No 125 is off-set from the apartment block, given the distance between the respective windows, there would be some loss of privacy to its occupiers. Further, both the living/kitchen area and bedroom to apartment 4 would overlook all but the very far end of the garden of No 125. Similarly, the first floor bedroom to apartment 5 would overlook most of the rear garden of No 119 Lytham Road.
7. The separation distance between the apartment block and No 121 Lytham Road (No 121) and the house recently granted consent (ref. 18/0001) that would replace the existing workshop adjoining No 121, is only around 16.5m. Given this distance and the orientation of the apartments with main living areas to the front, there would be overlooking of the rear of these houses resulting in a loss of privacy.
8. The apartment block is around 15.8m over its length, to a maximum height of around 7.8m. As a result of this massing, the siting directly behind No 121 and the limited separation distances, it would have an overbearing impact on the outlook from that property. Due to the siting of the building offset from Nos 119 and 125, I do not consider that there would be an overbearing effect on outlook from those properties to an extent to cause harm to living conditions.
9. I have no detailed expert evidence before me in respect of the loss of light to neighbouring properties. Given the separation distances described above and the height of the apartment block, there is potential for some loss of daylight. I am not, however, persuaded on the evidence that this would be sufficient to cause harm to the living conditions of existing occupiers.
10. Notwithstanding my conclusions on loss of light, I find the proposals would cause harm to the living conditions of neighbours, by reason of loss of privacy and outlook. I am mindful of the existing use of the site as a builder's yard and workshop, which could be more intensively used than it is currently. However, the benefit of removing this use does not outweigh the harm to living conditions I have identified. The proposed development would therefore conflict with Policy GD7 and H2 of the Fylde Local Plan to 2032 (2018) (LP) because it would have a detrimental impact on the amenity of neighbouring uses.

Living conditions – future occupiers

11. The apartment block is sited around 1m from the boundary with the BAE Systems Warton Aerodrome facility (BAE), with part of apartment 5 sited right on the boundary. The proposed elevations show a close boarded fence to the boundary, beyond which is a narrow gap and then the security fencing to an area of BAE car parking. Although the main living and kitchen areas for apartment 1 and 2 face into the site toward Lytham Road, bedrooms are located to the rear. Given the proximity of the boundary fence, these rooms would have a very limited, oppressive outlook and little natural light. Further, whilst a door is shown to the rear of apartment 5, the main rear window to the living, kitchen area would be all but obscured by the boundary fencing.

12. At first floor, the bedroom windows of apartments 3 and 4 are on the boundary with BAE, directly overlooking the security fencing and car parking. I saw on my site visit that the BAE car parking was well used and, given its proximity, this would result in some noise and disturbance, which would cause harm to the living conditions of future occupiers.
13. Consequently, the development would conflict with LP Policy GD7 and H2 because it fails to provide a high standard of amenity for occupiers. It would further fail to meet the guidance at paragraph 127 of the National Planning Policy Framework (the Framework) that development should ensure a high standard of amenity for existing and future users.

BAE employment use

14. The proposed apartment block is sited very close to the boundary with BAE, adjoining an area that is currently used principally for car parking with some storage. I have concluded above that, given the proximity, the car parking would cause some noise and disturbance to any future occupiers of the development. Alternative uses of this area, for example increased external storage or the location of plant and machinery could equally cause harm to the living conditions of future occupiers. Whilst I note there is existing housing on the boundaries of the BAE site, most are separated by their back gardens including those on Elder Close. The lack of any significant separation or buffer between the BAE use and the proposed apartments means that future employment use or development may be restricted to ensure there is no harm to living conditions.
15. Whilst BAE have not objected to the appeal proposals, I nonetheless consider that they could have a detrimental impact on the future use of the site for employment purposes. As a result, the development would conflict with LP Policy GD7 because its siting does not relate well to the surrounding context and it is not sympathetic to surrounding land uses. It would further conflict with LP Policy EC2 and Policy BWNE1 of the Bryning-with-Warton Neighbourhood Development Plan (NP) which seek to retain continued employment use of current employment sites.

Character and appearance

16. The appeal site is a single storey workshop and builder's yard which includes an existing house (No 121) and adjoining workshop that front Lytham Road. The proposal is for a 2-storey apartment block located on the rear boundary of the site behind the frontage development, using the existing narrow access from Lytham Road.
17. The existing pattern of development in the surrounding area is predominantly houses fronting the road with gardens to the rear. However, the building line on Lytham Road and the type and scale of development varies and there is no uniformity in spacing between the road frontages and rear boundaries. Whilst it would be backland development, which is not a particular characteristic of the area, the absence of a direct road frontage would not result in a form of development divorced from its surroundings. The proposed development would still have a close and integrated relationship with surrounding residential uses. Further, given the narrow access and existing buildings to the front, the development would only be glimpsed from Lytham Road and the appearance of

the street scene would remain largely unchanged. The development would not therefore cause harm to the character and appearance of the area.

18. Consequently, it would not conflict with LP Policy GD7 in-so-far as it requires development to reflect local character and avoid demonstrable harm to the visual amenities of the local area. It is further consistent with NP Policy BWNE2 and paragraph 122 of the Framework which requires development to respect or be sympathetic to local character.

Highway safety

19. The proposed site layout shows 5 car parking spaces arranged diagonally along the common boundary with No 121 and No 123.
20. The Joint Lancashire Structure Plan Parking Standards (2005) are 1 space per 1 bedroom dwelling and 2 spaces per 2 bedroom dwelling. So, for the proposed development the standard is 9 spaces in total. These standards are, however, expressed as maximums and the Highways Authority (HA) consultation response requested the car parking layout was reviewed to enable 6 parking spaces to be accommodated. There is therefore a shortfall of a single space over that accepted by the HA. Given the small size of the proposed apartments and the accessibility of the site to local services and public transport, I do not consider a shortfall of a single space would result in a level of on-street parking on Lytham Road to an extent to cause harm to its safe operation.
21. The proposed turning area is constrained and the parking space closest to the bin store would be particularly difficult to access without a number of movements. Practically, given the orientation of the spaces and narrow access, users are most likely to make sufficient movements so as to egress the site in forward gear, rather than to attempt to reverse. Lytham Road is busy, with fast moving traffic and waiting restrictions Monday to Saturday between 11.00hrs and 14.30hrs. On-street parking is therefore available when occupiers of the apartments are most likely to be at home. However, despite the cramped parking and turning area, given the busy nature of Lytham Road, I am not persuaded that occupiers would chose to park on the street, rather than within a private parking area.
22. I therefore conclude the development would not cause an unacceptable risk or harmful impact to the safe operation of Lytham Road. Consequently, the development would comply with LP Policy GD7 in-so-far as it requires that parking areas for cars are safe and accessible and highway safety is not compromised. It would further be consistent with guidance at paragraph 127 of the Framework that developments should be safe and accessible.

Conclusions

23. Although I find no harm to the character and appearance of the area or highway safety, I do find significant harm to the living conditions of existing and future occupiers. I also find harm to the future operation of the adjoining employment use. Accordingly, for the reasons above, I conclude the appeal should be dismissed.

R. Jones

INSPECTOR