



Appeal Decision

Site visit made on 12 October 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 11th November 2021

Appeal Ref: APP/M2325/W/21/3277845
55 Shepherd Road, Lytham St Annes FY8 3JN

- 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 Leonard Gentile against the decision of Fylde Council.
 - The application Ref 20/0788, dated 27 August 2020, was refused by notice dated 28 January 2021.
 - The development proposed is an additional dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. Where received, these comments have been taken into consideration in this decision.
3. The appellant has submitted additional plans with the appeal, with amendments to the scheme to include an altered roof profile, additional bay window element at first floor level and provision of private amenity space. I have considered the implications of accepting these in light of the 'Wheatcroft' judgement.
4. These changes alter the layout, scale and appearance of the proposal and in that respect represent substantial differences. It is evident that they would alter the basis for assessment of the appeal from the development that was originally proposed to, and assessed by, the Council, prejudicing the interests of those who commented on the proposal at the application stage and who may wish to comment upon the revisions. It is therefore my conclusion that the additional plans should not be accepted, and they have not therefore formed any part of my assessment of the proposed development. I have therefore dealt with the appeal on the basis of the plans submitted at application stage.

Main Issues

5. The main issues are the effect of the development on: the character and appearance of the surrounding area; the living conditions of future occupiers and neighbouring occupiers at No. 55 Shepherd Road, with particular regard to provision of external amenity space; and the living conditions of neighbouring occupiers at No. 53 Shepherd Road, with particular regard to outlook, overshadowing and privacy.

Reasons

Character and Appearance

6. The appeal site comprises a detached dwelling at the junction of Shepherd Road and Singleton Avenue. It shares a uniform building line with the neighbouring property at No. 53 that continues along Singleton Avenue. The wider area is primarily residential, with dwellings sharing a regularity in garden size. However, due to its corner plot the appeal property benefits from additional garden space to the side and shorter gardens to the rear.
7. The proposal would project beyond the side of the appeal property closer to Singleton Avenue, upsetting the consistent building line along this street. In addition, its positioning alongside No. 55 would create a more closely spaced pattern of development than is typical in the immediate area. As such, it would fail to respect the regularity of built form in the immediate setting.
8. The site would be divided between No. 55 and the proposal, resulting in notably smaller plots than surrounding properties. The back garden of the proposal would be limited in size, while No. 55 would have its rear space removed. As a result, the proposal would read as an excessive level of built form, cramped within the site.
9. The appellant opined that corner plots usually feature a terraced house with additional storey, and that nearby terraces have small rear gardens. However, the appeal site sits among semi-detached and detached properties with larger back spaces, and corner properties that largely blend with surrounding development. In its immediate context the proposal would read as an incongruous addition which fails to respect the development pattern.
10. I find that the development would have a significant adverse effect on the character and appearance of the area. As such, it would fail to accord with Policies GD7 and H2 of the Fylde Local Plan to 2032, October 2018 (the Local Plan); Policy DH1 of the Saint Anne's on the Sea Neighbourhood Development Plan; and the Framework, which together seek to promote good design.

Living conditions – future occupiers and occupiers of No. 55

11. Private outdoor amenity space at both No. 55 and the appeal property would be limited by the proposal. Although no minimum standards are suggested by the Council, any such space would need to be functional. In this regard, due to the prevailing density and grain of residential development suggesting a suburban feel, I do not share the appellant's view that the appeal site is in a town centre location.
12. With regards to No. 55, the rear gardens would be removed such that the outdoor space would be significantly reduced. Although the remaining front and side gardens would provide amenity space, due to their positioning and the prominent corner plot, these would lack the necessary privacy that would be expected for garden use. While hedging is present, passing views remain from both Singleton Avenue and Shepherd Road. The amenity space at No. 55 would therefore be inadequate for the reasonable enjoyment of occupiers.
13. The proposed dwelling would benefit from an area of private garden space. However, this would be restricted to a modest area at the rear, the size of which would limit its useful function. The constrained dimensions would be

unlikely to comfortably support the range of uses reasonably expected of such space such as sitting out and drying washing. This space would therefore be both cramped and impractical in the context of the associated dwelling.

14. I find that the development would have a significant adverse effect on the living conditions of future occupiers and neighbouring occupiers at No. 55 Shepherd Road, with particular regard to provision of external amenity space. As such, it would fail to accord with Policies GD7 and H2 of the Local Plan, and the Framework, which together seek to promote adequate living conditions.

Living conditions – occupiers of No. 53

15. The proposal would be close to the boundary with No. 53. Together with its height and mass this would create a dominant feature when viewed from the back garden and facing windows of No. 53. From here the proposal would erode the visual gap between No. 55 and No. 3 Singleton Avenue, creating an expanse of solid brickwork. It would appear overbearing, substantially affecting the enjoyment of No. 53's rear garden and impacted rooms.
16. For similar reasons the proposal would result in unacceptable overshadowing of No. 53. Its scale and positioning relative to this property and garden would reduce the amount of light reaching these spaces. This would cause additional overshadowing and increase the length of time during the day when the closest parts of the garden and rear elevation of No. 53 would lack direct sun. While the appellant argues any shadow would be intercepted by a garage, no substantive evidence has been provided. It is likely that, due to the proximity and bulk of the proposal, shadows would be cast beyond this garage.
17. While the first floor rear windows of the proposal would be obscured, ground floor rear glazing would be close to, and facing, the rear garden of No. 53. Overlooking is common in residential areas, and screening is provided here by fencing. However, the limited height of the fence would still allow clear views of this garden in a manner that is uncharacteristic in the immediate area. Furthermore, given the dimensions and proximity of the proposal's rear gardens, its use is likely to harm the privacy of No. 53's occupiers, particularly during good weather when they are also likely to be outside.
18. I find that the development would have a significant adverse effect on the living conditions of neighbouring occupiers at No. 53 Shepherd Road, with particular regard to outlook, overshadowing and privacy. As such, it would fail to accord with Policies GD7 and H2 of the Local Plan, and the Framework, which together seek to promote adequate living conditions.

Conclusion

19. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR