



Appeal Decision

Site Visits made on 15 June 2021 and 13 July 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 6th August 2021

Appeal Ref: APP/M2325/D/21/3271971

3 Thomas Street, Lytham St Annes FY8 5LF

- 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 John Green against the decision of Fylde Council.
 - The application Ref 20/0805, dated 2 November 2020, was refused by notice dated 8 January 2021.
 - The development proposed is described as 'Roof lift to form additional floors'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form and Council's decision notice state that the site address is the rear of 3 Thomas Street, Lytham St Annes FY8 5LF. Nonetheless, it is clear from the submitted plans and accompanying details, including the appeal form, that the address is 3 Thomas Street, Lytham St Annes FY8 5LF. I have therefore omitted the words 'rear of' from the site address in the banner heading above as this is more accurate.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issues

4. The main issues are;
 - Whether the proposed development would preserve or enhance the character or appearance of the Lytham Town Centre Conservation Area.
 - The effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to privacy, outlook and natural light, and any implications in this regard for future occupiers of the development
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

5. The appeal relates to a two storey detached dwelling that is located to the rear of a restaurant called Lytham House, on Henry Street, and to the rear of a short residential terrace row comprising 3, 3a and 4 West Beach. The appeal

site is accessed via Thomas Street which is a narrow lane that is situated in between Lytham House and a hair salon on Henry Street.

6. The appeal site lies within the Lytham Town Centre Conservation Area (CA) which comprises Lytham Town Centre and most of the town's seafront promenade.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
8. I have been provided with limited information on the CA as a whole and its significance. Nonetheless, I saw on my site visit that it is characterised by a tight-knit pattern of development within the historic core of the town centre, that mainly comprises attractive traditional terrace properties that are laid out in grid formations. Large period villas that sit within generous plots and face the seafront and the large grassed expanse of Lytham Green are also prevalent in the CA. The majority of these buildings are faced in red brick with slate roofs to provide a harmonious and coherent character. I therefore consider the historic street patterns, buildings of varying architectural styles and coherent materials to contribute to the significance of the CA.
9. Unlike the larger traditional buildings in the immediate vicinity, the appeal building is of a relatively modern two storey pitched roof design. Its humble scale and form ensures that it does not compete with nor challenge the traditional design and appearance of neighbouring properties. As a result, it makes a neutral contribution to the overall significance of the CA.
10. I recognise that the proposed works would be kept within the existing footprint of the building and that it would be of a similar height as the neighbouring properties. Nonetheless, the increased scale and height of the proposal would provide significant additional visual bulk and dominance to the building. There would also be visual confusion arising from the number of differently sized and randomly positioned windows within its front elevation.
11. As a result, it would introduce an oversized, top heavy and conspicuous form of development. This impact would be compounded by the use of the dark grey aluminium standing seam cladding, which in combination with its size and scale would contrast and compete with the traditional design, materials and roof forms of neighbouring properties, thereby drawing the eye, and further accentuating its visual prominence. The discordant effect of the proposal would be readily apparent from a number of vantage points, including from the windows of neighbouring properties on West Beach, and along Dicconson Terrace and Queen Street. As a consequence, it would have a materially harmful effect on the significance of the CA.
12. Nonetheless, I consider the harm that I have identified above would, in the parlance of paragraph 201 of the Framework, be 'less than substantial'. Paragraphs 199 and 200 of the Framework explain that great weight should be given to the conservation of a designated heritage asset, and any harm requires clear and convincing justification.
13. In paragraph 202 it goes on to state that where a proposal would lead to less than substantial harm to the significance of such an asset that harm should be weighed against the proposal's public benefits. However, no public benefits

associated with the proposal have been put forward to be weighed against this harm.

14. I therefore find that the proposed development would not preserve or enhance the character or appearance of the Lytham Town Centre Conservation Area.
15. As such it conflicts with Policies GD7 and ENV5 of the Fylde Local Plan to 2032 (2018) (Local Plan). Amongst other things, these seek to achieve good design in development and to conserve or enhance the elements that make a positive contribution to the special character and appearance and setting of designated conservation areas.

Effect on neighbouring occupiers and implications for future occupiers

16. The principal elevation of the proposal faces eastwards across its front yard area and towards the rear garden area of 3 West Beach. On my site visit I saw that the proposed southern side elevation also faces the rear garden and rear windows of 3a and is in close proximity to a first floor window in No 4 and the three storey side elevation of the Clifton Arms Hotel, which also contains a number of hotel room windows.
17. I appreciate that the proposed first floor front windows would provide surveillance of the car parking area, and these would not directly face any of the neighbouring properties' windows. However, the windows within this elevation of the proposal have also been orientated to directly overlook the rear garden area of No 3. The increased second and third floor heights and proximity of these windows, along with the third floor height of the roof terrace, to the shared boundary with No 3's rear garden area would result in a significant amount of overlooking and loss of privacy for its neighbouring residents.
18. For the same reasons, there would also be an unacceptable amount of overlooking and loss of privacy caused to the residents of Nos 3a and 4 by the first floor and second floor Juliet balconies within the proposed southern side elevation. On my site visit I saw that No 3a has a set of ground floor patio doors that directly face the proposal. Although No 4's first floor window would not directly face the proposed side elevation, given the close proximity and position of the Juliet balconies, I do not consider that there would be such a restricted and oblique viewpoint from them to prevent a substantial amount of overlooking occurring. This relationship and additional bulk created by the proposal would also appear unacceptably overbearing and lead to a loss of natural light to these neighbouring windows. It would therefore materially harm the living conditions of the occupiers of Nos 3a and 4 and the appeal dwelling as a result.
19. I am satisfied that the intervening distances and oblique angle between the proposed second floor rear windows and the hotel room windows in the Clifton Arms' side elevation would ensure that no undue loss of privacy would occur in this respect. However, the distance between the proposed third floor glazed roof terrace and the second floor windows within the Clifton Arms Hotel would not be sufficient to safeguard the privacy of both the users of the balcony and the hotel rooms.
20. Whilst I note that the submitted plans denote frosted glass to some windows, this does not include the first floor and second floor Juliet balconies in the

southern side elevation and the first floor and second floor Juliet balconies, and roof light windows in the front elevation or the third floor glazed roof terrace. This would therefore not provide sufficient mitigation to overcome the harm that would be caused to the privacy of the occupiers of these neighbouring properties.

21. As such I find that the proposed development would significantly harm the living conditions of future and neighbouring occupiers, with particular regard to privacy, outlook and natural light. It would therefore conflict with Local Plan Policy GD7 in this respect. Amongst other matters this seeks to ensure that amenity will not be adversely affected by neighbouring uses.

Highway safety

22. I recognise that Thomas Street is relatively narrow with no pedestrian footways, and that the appeal site is located in close proximity to local shops and services and public transport links. However, I am mindful that there is already sufficient space within the curtilage of the appeal dwelling to park more than four cars. Furthermore, the principle of a vehicular access at this location is already established and in use. Pedestrians and other vehicle users would therefore expect and be aware of the presence of vehicles, as would drivers of pedestrians.
23. Whilst the Council consider the visibility at the junction with Henry Street to be limited I saw on my site visit that there is a white line junction marking on this road and that traffic speeds in the area are low. In light of all of these factors I do not consider that the use of an additional vehicle associated with the proposal would make the existing situation materially worse.
24. I am therefore satisfied that the proposed development would not cause any material harm in regard to highway safety. As such it would not conflict with Local Plan Policy GD7 in this respect, which amongst other things, seeks to ensure that parking areas for cars, bicycles and motorcycles are safe, accessible, sympathetic to the character of the surrounding area and do not compromise highway safety.

Other Matters

25. I recognise that the appeal site is located outside of a Flood Zone, and that the proposal is required to improve the appellant's living accommodation and living conditions. Nonetheless, these factors do not outweigh or overcome the harm that I have identified that the proposed development would cause to the conservation area and living conditions of the occupiers of neighbouring properties.

Conclusion

26. Although I have found that there would be no adverse impact on highway safety this is significantly outweighed by the harm I have identified on the other two main issues. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should therefore be dismissed.

Mark Caine
INSPECTOR