



Appeal Decision

Site visit made on 3 July 2018

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2018

Appeal Ref: APP/M2325/W/18/3199645

29 Moons Cottage, School Lane, Newton with Clifton, PR4 3RT

- 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 David McCartney against the decision of Fylde Borough Council.
 - The application Ref 17/0558, dated 27 June 2017, was refused by notice dated 25 October 2017.
 - The development proposed is demolition of existing cottage and erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I am aware that since the planning application was determined prior approval was granted by the Council for the demolition of the existing cottage and I noted at my site visit that the cottage has been demolished.
3. During the course of the consideration of this appeal the revised National Planning Policy Framework (the Framework) has been published. I have invited both main parties to submit comments on the relevance of the revised Framework to this case. The Council has noted that the revised Framework continues to stress the importance of good design and I have had regard to this matter in reaching my decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - The living conditions of the occupants of number 31 School lane with particular regard to outlook and light/sunlight.

Reasons

Character and appearance

5. The appeal site is located in an area which largely consists of detached houses of varying design and scale, reasonably spaced and set back from the road. To the front and sides of the houses is parking and landscaped gardens which give

the area an open and pleasant character. The dwellings immediately adjacent to the appeal site are bungalows.

6. Whilst the houses in the area are of varying design and scale they share similar characteristics, such as wide frontages, particularly the detached properties and a mix of hard and soft landscaping to the front. When viewed in this context and adjacent to the bungalows on either side, the proposed houses because of their relatively narrow front elevations, together with the limited spacing between them and closeness to their site boundaries, would have a cramped appearance out of kilter with the generally more relaxed space around existing houses. Moreover, their two storey height next to the lower roofs of the bungalows mean that they would have a prominent and incongruous presence.
7. The proposed houses would be sited to follow the building line of neighbouring houses and the area to the front would be hard surfaced for car parking with a hedge around. As a result of the limited space available and the proposed car parking provision, there would be very little remaining space for landscaping to soften the appearance of the hard surfacing. I note that the demolished cottage was sited up to the pavement with only a small garden area to the front. However, it did not feature large areas of hard surfacing and is not directly comparable to the appeal proposal. Moreover, given that the cottage has been demolished, any effects that it previously had on the character and appearance of the area have now gone. Its former presence therefore now has very limited weight.
8. The appellant refers to the relationship between numbers 33 and 35 School Lane as being comparable to that between the proposed house on plot 1 and no.31. Although it is similar in that it is a bungalow adjacent to a two storey house, the spacing between numbers 33 and 35 is greater than that of the appeal proposal. Moreover, I do not know the circumstances of that development being permitted and therefore I give this limited weight. In any event I have considered the appeal scheme on its own merits.
9. I therefore conclude that the proposed houses would have a harmful effect upon the character and appearance of the area contrary to policy HL2 of the adopted plan, the Fylde Borough Local Plan As Altered (the Local Plan) and policy GD7 of the emerging, Plan for Fylde – Plan for the Future: The Fylde Council Local Plan to 2032 (emerging Local Plan) which require development to be in keeping with the character of the locality and the building to plot ratio and the landscaping of the proposed development to relate well to the surrounding context. It would also conflict with the design aims of the Framework.

Living conditions

10. The proposed house on plot 1 would run along the shared boundary with and have a depth slightly greater than 31 School Lane. No.31 has limited private garden space to the rear and there are two windows in the side elevation which would face the appeal site, one of which appears to be a bathroom window. I noted at my site visit that any views from these windows are partly obscured by an existing boundary structure. Nevertheless because of the height, depth and very close proximity to the shared boundary, the proposed house on plot 1 would have an unacceptable overbearing impact on the outlook from within the rear garden. Furthermore, in my judgement the proposed houses would have

an unacceptable shading effect on the house and to a lesser extent the garden at no.31 which would be more harmful during the winter months when the sun is lower.

11. The appellant states that this situation would be no worse than that which previously existed. However, the cottage has now gone. Also, it appears from the submitted plans that the former cottage was sited further away from the shared boundary with no.31, further forward in the site away from the side elevation and rear garden of no.31 and was not as tall as the proposed houses. In my judgement this is a materially different set of circumstances to those before me.
12. Overall I conclude that the proposed house on plot 1 would cause unacceptable harm to the living conditions of the occupiers of no.31 School Lane in respect of outlook and sunlight contrary to policy HL2 of the adopted Local Plan and policy GD7 of the emerging Local Plan which require that development does not adversely affect the amenity of neighbours and the Framework which seeks a high standard of amenity for existing and future occupants of buildings.

Planning balance

13. The appellant contends that the Council cannot demonstrate a five year supply of housing land and therefore the 'tilted' balance should be applied, but provides no details of the shortfall. The Council state that they are able to demonstrate a supply equivalent to 5.1 years using the 'Sedgefield' method and 6.3 years using the 'Liverpool' method.
14. Even if I were to accept the appellant's position, whilst the proposed development would make use of previously developed land the scheme would only make a very modest contribution to the supply of housing in the Borough. The benefits arising from the construction and occupation of the houses would also be limited. In my view, the adverse impacts of the proposed development would significantly and demonstrably outweigh these limited benefits. Therefore the proposal would not be sustainable development as envisaged by the Framework. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

15. For the reasons set out above the appeal is dismissed.

Felicity Thompson

INSPECTOR