
Appeal Decision

Site visit made on 29 May 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2019

Appeal Ref: APP/M2325/W/19/3222843

Land rear of 32-34 St Albans Road, Lytham St Annes, Lancashire, FY8 1TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gemwave Technologies Ltd against the decision of Fylde Borough Council.
 - The application Ref 18/0476, dated 12 June 2018, was refused by notice dated 17 August 2018.
 - The development proposed is outline application for erection of a two storey building providing two apartments (Use Class C3) with associated parking (access, layout and scale applied for with all other matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary matter

2. I have used the description of the proposed development from the appeal form as this more accurately describes the proposed development. I have also taken the name of the appellant from the appeal form as no name was entered on the application form.
3. The Fylde Local Plan to 2032 (FLP32) was formerly adopted by the Council post decision on the 22 October 2018. This replaced the Fylde Borough Local Plan (2005). As a result, the Local Plan 2005 policies referred to in the decision notice are no longer applicable. My consideration of the appeal is therefore based upon policies in the FLP32 referred to in the decision notice.

Main Issues

4. The main issues are, (a) the effect of the proposed development on the character and appearance of the area; (b) the effect on the living conditions of the existing occupiers of nos. 32 and 34 St Albans Road having particular regard to overlooking, overshadowing and loss of outlook; and (c) whether the proposed development would constitute an acceptable form of development with regard to the living conditions of the future occupants.

Reasons

Character and appearance

5. The appeal site comprises a square piece of land to the rear of nos. 32 and 34 St Albans Road that formed part of the curtilage of the properties. At the time

- of my site visit the appeal site was fenced off from the remainder of the curtilage with nos. 32 and 34 with a 'To Let' sign. The rear of the site faces Sydney Street that provides access.
6. Sydney Street is made up of two-storey terraced dwellings with small front gardens enclosed by low boundary walls to the frontage. The appeal site sits at the end of Sydney Street where an access road exists that serves the rear of properties in St Albans Road. The appearance of the rear of St Albans Road is characterised by a mixture of garages and domestic outbuildings. This presents a very different character to the uniform character of Sydney Street.
 7. The proposed development was for outline planning permission with access, layout and scale to be considered and all other matters reserved. Indicative plans were also submitted showing the appearance and internal layout of the proposed development.
 8. Although currently fenced off from the remaining rear areas of nos. 32 and 34 St Albans Road, the appeal site formed part of the rear amenity area of these properties that are in residential use. The reduction in the length of the rear amenity space to the properties would be at odds with the neighbouring long linear amenity areas. The proposed siting of the two-storey building would be close to the rear access road and fronting Sydney Street, occupying a large proportion of the width of the site. Consequently, it would appear as a prominent feature at the head of Sydney Street.
 9. Considering the small scale of the surrounding ancillary domestic buildings to the rear of neighbouring St Albans Road properties, the proposed buildings would be out of keeping with this character and scale and be unduly prominent in the street scene. I consider that this impact would be amplified by the cramped siting of the proposed building in relation to the front and side boundaries of the site.
 10. This would be contrary to FLP32 Policy GD7 d) and H2 that, amongst other things, seek to ensure that the siting, layout, massing and scale of new development relates well to the surrounding context and will not have a detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the surrounding area. Therefore, for the reasons given above, I conclude on this issue that the proposed development would have an adverse effect on the character and appearance of the area.

Living conditions of the occupiers of nos. 32 and 34 St Albans Road

11. The development would reduce the amount of private amenity space available to the occupants of nos. 32 and 34 St Albans Road although some amenity space would remain. From the proposed siting, the rear wall of the proposed building would be some 9.2 metres to 9.4 metres from the main rear elevation of nos. 32 and 34. There is an outrigger to the rear of no. 34 that would be some 4.2 metres from the rear boundary of the proposed building.
12. The appellant says that the proposed development would be on excess domestic garden and amenity space to nos. 32 and 34. No. 32 is in use as 4no. flats whilst No. 34 is a dwelling. Given the level of occupancy that one would expect from 4no. flats and a dwelling, I consider private amenity space to be an important provision. I have no evidence before me to clearly demonstrate that the existing amenity space is excessive and have concerns regarding the

reduction of private amenity space to nos. 32 and 34 and how this would impact on the living conditions of the occupiers of these properties.

13. Whilst the internal layout of the proposed building is not for consideration at this outline stage, the indicative internal layout submitted suggested that only kitchen, bathroom and bedroom windows would face the rear of nos. 32 and 34. Whilst I note this, this would still bring habitable rooms close to the rear of nos. 32 and 34 and could result in unacceptable levels of overlooking. It may be possible to mitigate overlooking at ground floor level with appropriate boundary treatment, but this would not stop the potential for overlooking at first floor level. Consideration could be given to imposing a planning condition requiring any habitable room windows on the rear elevation to be obscurely glazed, but this would provide unacceptable living conditions for future occupiers.
14. Having regard to the close proximity of the existing properties and the proposed development, coupled with its scale and location, covering a substantial width of the site, I consider it would adversely affect the outlook for the occupiers of nos. 32 and 34.
15. Consequently, I conclude on this issue that, due to the close proximity of existing and proposed buildings and the reduction in private amenity space to nos. 32 and 34 St Albans Road, the proposed development would have a detrimental impact on the living conditions of the occupiers of these properties through reduced private amenity space, loss of outlook and loss of privacy through an unacceptable level of overlooking. This would be contrary to FLP32 Policy GD7 c) that requires that new development does not adversely affect neighbouring uses.

Living conditions of future occupiers

16. Having considered the effect of the proposed development on the living conditions of neighbouring occupiers at nos. 32 and 34 St Albans Road, and concluded that the effect would be detrimental having regard to loss of privacy from overlooking, I consider that the same impact would apply to future occupiers of the proposed development. Whilst I acknowledge that the internal layout is not for consideration at this outline stage, the appellant has presented an indicative layout and suggested that non-habitable rooms and only bedrooms would face nos. 32 and 34.
17. Whilst this is noted, bedrooms are still considered to be habitable rooms where a degree of privacy is to be expected. Due to the distance between the proposed building and the rear of nos. 32 and 34, I consider that unacceptable overlooking of both the private amenity space of the proposed development and habitable rooms on the rear elevation would occur to the detriment of the living conditions of future occupiers. This would conflict with FLP32 c). As I have explained above, a planning condition requiring windows in the rear elevation to be obscurely glazed would not be appropriate.

Conclusion

18. I acknowledge that the site is located close to the centre of Lytham St Annes in a very sustainable location where higher density development is evident and a greater mix of house types is also evident. Furthermore, advice in the Framework is supportive of sustainable development. However, development

should have regard to its site context and its relationship with surrounding properties and the wider area.

19. In this case I find that the proposed development would fail to respect the character and appearance of the area and would adversely affect the living conditions of existing and future occupiers for the reasons I have set out above and conflict with the identified development plan policies.

20. For the above reasons, the appeal is dismissed.

David Storrie

INSPECTOR