
Appeal Decision

Site visit made on 5 June 2018

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2018

Appeal Ref: APP/M2325/D/18/3198482

95 St Leonards Road East, Lytham St Annes FY8 2HD

- 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 Mark Winnemore against the decision of Fylde Borough Council.
 - The application Ref 17/0813, dated 13 September 2017, was refused by notice dated 18 January 2018.
 - The development proposed is first floor side extension and replacement of existing conservatory with single storey rear extension.
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Decision

1. The appeal is dismissed insofar as it relates to the first floor side extension. The appeal is allowed insofar as it relates to the replacement of existing conservatory with single storey rear extension, and planning permission is granted for replacement of existing conservatory with single storey rear extension at 95 St Leonards Road East, Lytham St Annes FY8 2HD.
2. The permission is granted in accordance with the terms of the application, Ref 17/0813, dated 13 September 2017, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, dated 19 May 2008; Survey of Existing drawing A017/104/S/01; Proposed Elevations & Floor Plans drawing A017/104/BR/01 (dining room only).
 - 3) The materials to be used in the construction of the external surfaces of the single storey rear extension hereby permitted shall match those used in the existing building.

Procedural Matters

3. The description of the development given in the banner heading above is taken from the Council's decision notice, because the description on the application form did not make reference to the proposed replacement of the existing conservatory with a single storey rear extension. The appeal form confirms that the description of the development has changed from that stated on the application form, and uses the Council's description of the development.

4. The Council has confirmed that the examination of the Fylde Council Local Plan to 2032 (the emerging Local Plan) has recently concluded and that, notwithstanding references to the 'submission version' of the emerging Local Plan in its reason for refusal, the correct reference should have been to the 'publication version' of the document. I consider the appeal on this basis.

Main Issue

5. The main issue is the effect of the proposed first floor side extension on the living conditions of the occupiers of 97 St Leonards Road East, with regard to outlook and light.

Reasons

6. The proposed first floor side extension would be close to the boundary with the neighbouring property, No 97, which is separated from the site by a relatively narrow side drive. No 97 has two ground floor windows and a glazed door facing the appeal site. These serve the neighbouring kitchen, which includes a small dining area. I have visited No 97 and viewed the appeal site from both the internal and external areas of this neighbouring property, and observed that the two ground floor windows and door in the side of No 97 are the only openings which serve this neighbouring kitchen and dining area.
7. The glazed door and window in the rear part of No 97's kitchen are fitted with obscure glazing and therefore do not act as a significant source of outlook at present. They are also positioned towards the rear of the proposed first floor side extension. Therefore, whilst its presence would be discernible from these windows, I do not consider that it would have a significant effect on the wider outlook from the rear part of the neighbouring kitchen.
8. In contrast, the other, separate, ground floor side window which serves No 97's kitchen is fitted with clear glazing, and thus serves as the main source of direct outlook from this room. The side wall of the appeal property's existing single storey side extension features prominently in the outlook from this window. However, this part of the neighbouring property does benefit from some limited wider outlook over the roof of the existing side extension to the front and rear.
9. The proposed first floor side extension would extend for much of the depth of the original house, in both directions from the clear-glazed window in the side of No 97. As a result of its depth, height, and very close proximity to this neighbouring window, I consider that the extension would appear as an oppressive and overbearing feature, which would have a significantly greater presence, and would dominate the immediate and wider outlook from this window to a significantly greater degree than the existing side extension, or than the two-storey part of the original house, which is further away. As a result, I consider that the proposal would further impair the already limited outlook from this window to an unacceptable degree.
10. Calculations carried out by the appellant appear to indicate that the proposed first floor side extension would cause some additional shading of the area served by No 97's clear-glazed ground floor side window at certain times of the day. As I observed, light levels in this part of the neighbouring property are already somewhat limited. The appellant's calculations appear to indicate that the period of additional shading would be relatively short-lived. However, in the context of the already-limited levels of light to this area I consider that the

effect of this additional period of shading would be significant, and that the proposal would further reduce daylight and sunlight to this dining/kitchen area to an unacceptable degree. I have little evidence before me to demonstrate that the use of pale render on the side elevation of the proposed extension would appreciably increase daylight to the side windows of No 97, as suggested by the appellant, or that any such effect would satisfactorily offset the harm I have identified in this respect.

11. Any additional shading to the rear part of No 97's kitchen is likely to be more limited, as a result of its greater separation from the proposed first floor side extension. However, any period of additional shading which may occur is likely to coincide or overlap with that during which the clear-glazed side window of No 97 is also affected, and would therefore further exacerbate the effects of the proposal on the light levels to the neighbouring kitchen overall.
12. I note the appellant's reference to a lack of quantifiable guidance from the Council with regard to acceptable light levels, and to the fact that the window serving the dining area within the neighbouring kitchen is fitted with a blind at present. However, I have considered the proposal on the basis of the information before me and my own observations, and these matters do not dissuade me from my conclusion that, for the reasons above, the proposed first floor side extension would have an unacceptable effect on the living conditions of the occupants of No 97 with regard to light.
13. I therefore consider that the proposed first floor side extension would have a significant adverse effect on the living conditions of the occupiers of No 97 with regard to outlook and light. The proposal would therefore conflict with Policy HL5 (2.) of the Fylde Borough Local Plan As Altered, October 2005 (the current Local Plan), and with the aims of the Extending Your Home Supplementary Planning Document, adopted November 2007 (the SPD). These refer specifically to house extension proposals and require, amongst other things, that the amenities of adjacent and nearby residents are not unduly prejudiced by loss of sunlight or daylight, or by the creation of dominant or overbearing development.
14. In reaching my conclusion I have also had regard to emerging Policy GD7 (b)) of the emerging Local Plan, the aims of which are similar to those of the current Local Plan referred to above, in requiring that amenity will not be adversely affected by neighbouring uses.

Other Matters

15. The appellant states that the effects of the proposal on the living conditions of the occupants of No 97 would be no worse than a hip-to-gable extension which could be carried out to the appeal property as permitted development. However, I have little before me to suggest that this option has been pursued to any degree, and I attach little weight to this matter, or to the general reference made by the appellant to similar situations being common in 20th century housing. I have considered the appeal on its own planning merits and on the basis of the specific proposal and site circumstances before me, and consider it to be unacceptable for the reasons above.
16. The appellant refers to pre-application advice from the Council indicating that the proposal was acceptable in principal. However, informal advice provided before an application is made is given without prejudice and cannot

pre-determine the outcome of a subsequent application, which must take account of all material factors, including representations from neighbouring residents, such as was received by the Council in this case. I therefore attach little weight to this matter in my determination of the appeal.

17. The proposal also includes a single storey rear extension. This would replace an existing conservatory in a similar position, adjacent to the boundary with the adjoining property, No 93, which has an existing single storey extension close to the party boundary. The Council has not objected to this part of the application, and as it would not be significantly larger than the existing conservatory, and would be built in materials to match the existing building, it would not harm the living conditions of neighbouring residents or have any adverse effect upon the character or appearance of the appeal property or its surroundings.
18. The proposed single storey rear extension would therefore accord with the provisions of Policy HL5 of the current Local Plan, and with the aims of the SPD. Amongst other things, these require that proposals for house extensions are in keeping with the existing building in terms of scale, design and external appearance, and that the amenities of adjacent and nearby residents are not unduly prejudiced. I also have regard to Policy GD7 of the emerging Local Plan, the aims of which are similar to those of the current Local Plan policy referred to above, in requiring that development is of a high standard of design, and that amenity will not be adversely affected by neighbouring uses.
19. Consequently, and as it is clearly both functionally and physically severable from the proposed first floor side extension, I issue a split decision in this case and grant planning permission for the single storey rear extension.
20. I note concerns regarding the effects of the development on noise levels experienced by neighbouring residents, and on the future sale of the neighbouring property. However, these appear to relate principally to the effects of the proposed first floor side extension. As I find the first floor side extension to be unacceptable for other reasons, and as I have little evidence before me to suggest that the proposal would have significant implications with regard to these matters, this does not alter my conclusions above.

Conditions

21. I have attached a condition specifying the approved plans, in the interests of certainty, and a condition requiring matching materials, to safeguard the character and appearance of the appeal site and its surroundings.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I dismiss the appeal insofar as it relates to the first floor side extension and allow the appeal insofar as it relates to the replacement of existing conservatory with single storey rear extension.

Jillian Rann
INSPECTOR