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## Appeal Decision

Site visit made on 8 August 2017

**by Katie McDonald MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 August 2017**

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**Appeal Ref: APP/M2325/W/17/3175276**

**14 Windsor Road, Lytham St Annes, Lancashire FY8 1AH**

- 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 Richard Barker against the decision of Fylde Borough Council.
  - The application Ref 16/0799, dated 10 October 2016, was refused by notice dated 12 January 2017.
  - The development proposed is the construction of two houses after demolition of existing bungalow.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Policy GD7 of the Fylde Council Local Plan (submission version) is referred to in the reason for refusal. The purpose of a Local Plan examination is for the Examiner to consider whether the plan is 'sound'. Accordingly, it is possible that a policy could be amended or deleted as a result of the examination or that the plan is withdrawn or found unsound. Whilst the examination may be in an advanced stage, Policy GD7 is not adopted development plan policy and I will not give it significant weight in my assessment.

### Main Issue

3. The main issue is the effect of the development upon the living conditions of 2 Pembroke Road.

### Reasons

4. Sited on a predominantly residential road, the property features a detached bungalow, with 2 and 4 Pembroke Road lying to the east. The proposal seeks consent to demolish the existing bungalow and erect 2 semi-detached dwellings, each having 3 bedrooms. The Council raises no issues with regard to the design and appearance of the dwellings, and I have no reason to disagree.
5. The flank wall of the eastern dwelling would be sited along most of the rear boundary of 2 Pembroke Road, a semi-detached bungalow. Along this boundary is a single storey garage serving No 2 and an approximately 2m high boundary treatment. Even when taking account of the existing structures, at an eaves height of around 5.3m, being located about 6.3m from the rear elevation of No 2, the proposal would be a tall, solid and imposing structure. This would cause

a substantial sense of dominance and enclosure when viewed from the rear windows and modest rear garden of No 2. Furthermore, the orientation of the site in relation to No 2 would exacerbate the impact, causing some loss of light.

6. Consequently, the proposal would fail to comply with Policy HL2 of the Fylde Borough Local Plan as Altered (October 2005), in so far as it seeks to ensure the amenity of neighbouring properties will not be adversely affected. Additionally, there would also be conflict with one of the core planning principles of the National Planning Policy Framework (the Framework), namely the need to secure a good standard of amenity for all existing occupants of buildings.

### **Other Matters**

7. It is acknowledged by the Council that they are currently unable to demonstrate a five year housing land supply, as required by the objectives of paragraph 47 of the Framework. As such, the fourth bullet of paragraph 14 of the Framework is a relevant material consideration and a presumption in favour of sustainable development, applying the tilted balance of boosting housing supply, carries substantial weight. Whilst it may be a sustainable location, the adverse impact that I have identified to living conditions would significantly and demonstrably outweigh the benefit of one net dwelling to overall housing supply.
8. I have no evidence before me with regard to the poor structural condition of the appeal dwelling or that re-building is only 'viable' as 2 dwellings. As such, I have given this matter little weight.

### **Conclusion**

9. Having had regard to all other matters raised, and for the reasons above, I conclude that the appeal should be dismissed.

*Katie McDonald*

INSPECTOR