



Appeal Decision

Site visit made on 4 December 2007

by **Richard Clegg BA(Hons) DMS MRTPI**

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

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Decision date:
4 March 2008

Appeal Ref: APP/A2335/A/07/2045232

Land to the rear of 85-91 North Road, Carnforth, Lancashire, LA5 9LX

- 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 Paddle Ltd against the decision of Lancaster City Council.
- The application Ref 07/00208/FUL, dated 31 January 2007, was refused by notice dated 10 April 2007.
- The development proposed is the erection of a new dwelling.

Decision

1. I dismiss the appeal.

Main issues

2. I consider that the main issues in this appeal are the effect of the proposed development on:
 - (i) The character and appearance of this part of Carnforth.
 - (ii) The living conditions of future occupants of the dwelling and the residents of 85-91 North Road.

Reasons

3. The appeal site is located in a predominantly residential area, and that part which would form the curtilage of the dwelling is set back from North Road behind a row of terrace houses. The principle of residential development on the site was established with the granting of outline planning permission for the erection of one dwelling, which was renewed in 2003. Reserved matters were subsequently approved in 2006 for a house at the back of the site. The house now proposed would also be in this position, and it would be a larger building: the appellant calculates that the footprint would be about 12.5% greater, and this is not disputed by the Council. A large gable projecting from the left hand side of the front elevation would account for the greater part of the increase in size of the dwelling. The gable would extend almost to the ridge level of the main roof and there would be no fenestration on this part of the building. In consequence the proposed house would present a somewhat more imposing and severe appearance than the 2006 scheme. However the gable would project little more than 1m from the rest of the front elevation, and the overall form and design of the house would not be dissimilar to that of the previous scheme. Accordingly, I do not consider that, in this secluded position, the appeal proposal would appear out of keeping with its surroundings or result in

overdevelopment of the site. I conclude that the proposed development would not be damaging to the character and appearance of this part of Carnforth.

4. The Council has published a residential design code as supplementary planning guidance (SPG12). This sets out certain separation distances between dwellings: there should normally be a gap of at least 21m where windows of habitable rooms face each other and 12m where a habitable room faces a side wall with no such window. The Council calculates that the distance between the proposed house and the rear of the terrace properties on North Road would be about 9m, but this is not consistent with the submitted plans, which indicate that it would be slightly further just to the south-east boundary, beyond which is a footway and the private rear amenity space of Nos 87-91 North Road. The accuracy of the submitted plans has not been disputed by the Council and, having regard to my visit, I am satisfied that they correctly indicate the position of the house in relation to nearby properties.
5. The site plans indicate that there would be about 17-18m between the projecting gable and the rear elevations of Nos 87-91 North Road. As the gable would have no windows the relationship would be similar to that referred to in SPG12 between windows of habitable rooms and a side wall with no such windows. The minimum separation distance of 12m sought in the SPG would be clearly exceeded, and I do not consider that this part of the house would appear overbearing from the nearby cottages and their amenity space and that of No 85, nor result in an appreciable loss of light. On the right hand side of the front elevation two main windows would look towards the rear of No 91 North Road at a distance of about 18m. This is below the 21m sought, but as this part of the house would be less than 1m closer than the position of the dwelling in the extant scheme, and there would still be a clear gap to No 91, the relationship with the existing house would not be materially different, and in particular the proposal would not have a significant adverse effect on privacy within No 91 or its amenity space. I have taken into account that the appeal site is at a slightly higher level than the houses to the south-east, but, having regard to the relationship between the properties, I do not consider that the proposed house would unacceptably worsen the living conditions of the occupiers of the nearby dwellings on North Road.
6. I am, however, concerned about the outlook for future occupiers of the proposed house. The lounge would have two window openings: a relatively small window in the rear elevation and patio doors and adjacent lights in the south-west side elevation. This main window would be less than 4m from the boundary with the property to the south-west, where the design statement explains that it is intended to erect screen fencing, and the nearby conifers on the adjacent land would also restrict the outlook from this room, which would be constrained and gloomy. The size of the lounge, which would be the largest ground floor room in the house, reinforces my concern in this regard. In contrast, the 2006 scheme includes an additional window to the lounge in the front elevation. I conclude that the proposed development would result in unacceptable living conditions for the future occupiers of the house. As such it would not provide a high standard of amenity and would conflict with Policy H19 of the Lancaster District Local Plan.
7. Carnforth Town Council and two local residents have expressed concerns about the nature of the access to the site. However the access is wide and should

enable vehicles to manoeuvre without adversely affecting highway safety. Moreover, I note that the Council raises no objection in this regard. I have found that the proposal would not be out of keeping with its surroundings, but the absence of harm in this regard, and in relation to highway safety, does not justify development which would result in unacceptable living conditions for future occupiers. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Richard Clegg

INSPECTOR