



# Appeal Decision

Site visit made on 13 October 2008

by **I D Jenkins** BSc CEng MICE MCIWEM

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

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**Decision date:**  
27 October 2008

## Appeal Ref: APP/A2335/A/08/2079421

### Land to the rear of 85-91 North Road, Carnforth, Lancs, 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 08/00345/FUL, dated 11 March 2008, was refused by notice dated 2 June 2008.
- The development proposed is the erection of a new dwelling.

### Decision

1. I dismiss the appeal.

### Main issue

2. I consider that the main issue in this case is the effect of the proposal on the living conditions of future residents of the proposed dwelling, with particular reference to outlook.

### Reasons

3. On the 4 March 2008 the Inspectorate issued an appeal decision, Ref. APP/A2335/A/07/2045232, on a previous application to erect a new dwelling within the appeal site. That appeal was dismissed and is a significant material consideration in the case now before me. The Council has stated that the current appeal scheme differs in that the lounge of the proposed house would have two extra windows, one each side of the chimney breast on the southeastern elevation. This is not disputed by the appellant.
4. The main window serving the large proposed lounge, which would comprise patio doors with side lights, would be contained within the southwestern elevation of the proposal. This window would be less than 4 metres from the southwestern boundary of the site, which would be enclosed by a 1.8 metre high fence. I saw that a row of tall conifers is situated close to, and parallel with, this appeal site boundary on adjacent land. I consider that as a result of its close proximity to the proposed fence and existing trees the outlook from this main window would be poor. My finding in this respect is consistent with that of the Inspector who dealt with the previous appeal.
5. The proposed lounge would also be served by three other windows. One of them, in common with the previous appeal scheme, would be located within the rear elevation of the building. The other two, as I have indicated, would be contained within the southeastern elevation of the proposed dwelling and to my mind they would be relatively narrow. In my judgement, due to their limited

- proportions, these windows would not enhance the outlook from the lounge to any significant degree. I consider overall that, due to the restricted outlook from the proposed lounge, future residents would experience an unpleasant sense of enclosure when using that room and in this respect the proposal would not provide a high standard of amenity.
6. Outline planning permission for the erection of a dwelling within the appeal site, which was granted in 2000, was renewed in 2003 and reserved matters were approved in 2006, Ref. 06/00536/REM. The lounge of the approved dwelling would be smaller than that proposed in the case before me. The southwestern sidewall of the approved house, which would contain a window arrangement similar to the appeal proposal, would by comparison be positioned further away from the southwestern boundary of the site. Furthermore, the approved southeastern lounge wall would contain a window that would be wider than each of the two windows contained within the same wall of the scheme before me. To my mind the outlook from the approved lounge would be better than that provided by the lounge of the appeal proposal.
  7. I conclude that the proposed development would unacceptably harm the living conditions of future residents of the proposed dwelling, with particular reference to outlook, contrary to saved Policy H19 of the *Lancaster District Local Plan, 2004*.
  8. I have considered all of the other matters raised. Based on dimensions agreed by the main parties at the site visit I am satisfied that the appeal site has been shown to the identified scale on the planning application plans. The appellant has suggested that the proposal would tidy up the vacant site. However, I give this argument little weight. In my view, whilst it is somewhat overgrown, the site is not unsightly.
  9. The southeastern wall of both the approved and proposed dwellings would face towards the rear elevations of a terraced row of small cottages, Nos. 91-85, which appear to contain habitable room windows. This wall of the proposal would contain one less habitable room window at first floor level than would be contained within the same elevation of the approved house and so the potential for overlooking of those neighbouring windows would be slightly less. Nonetheless, in my judgement neither this, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusion on the main issue.
  10. For the reasons given above I conclude that the appeal should be dismissed.

*Ian D Jenkins*

INSPECTOR