

<b>DECISION DATE</b> 6 May 2005	<b>APPLICATION NO.</b> 05/00333/FUL A 6	<b>PLANNING COMMITTEE:</b> 21 May 2005
<b>DEVELOPMENT PROPOSED</b> ERECTION OF A TWO STOREY SIDE EXTENSION		<b>SITE ADDRESS</b> 60 MARINE DRIVE SLYNE WITH HEST LANCASHIRE LA2 6EB
<b>APPLICANT:</b> Mr And Mrs J Hughes 60 Marine Drive Slyne With Hest Lancashire LA2 6EB		<b>AGENT:</b> Cronshaw And Harrison

**REASON FOR DELAY**

Referred to Committee for a decision.

**PARISH NOTIFICATION**

Slyne-with-Hest Parish Council - Do not wish to make any comments on this proposal.

**STATUTORY CONSULTATIONS**

None.

**OTHER OBSERVATIONS RECEIVED**

The neighbours at 62 Marine Drive object to the proposal on the grounds of loss of light, security, privacy, and the environmental impact of the extension. They indicate that any two storey extension to no. 60 would be unacceptable to them because of the loss of light which would result, and argue that the effect of the development would affect their entitlements under the Human Rights Act.

**REPORT**

This application is one which was originally expected to be dealt with under delegated powers. It has been brought to your committee's attention at the request of Councillor Mrs Rogerson, because of her concern that the neighbours' objections should be given due weight.

No. 60 is a semi-detached house. There is a garage at the side, and a single storey extension to the rear of it which is in need of replacement. An earlier proposal for a new extension to the side and rear was submitted in 2003 (application 03/01190). It was refused consent because of its impact on the adjoining house at no. 62, and a subsequent appeal was dismissed. A copy of the Inspectors's decision letter appears at the end of this report.

The current proposal has been submitted in an attempt to overcome the earlier objections. It involves the provision of a new garage, kitchen and dining room on the ground floor and the addition of a new bedroom above, but the layout at first floor level is recessed to minimize the loss of light to the kitchen window in the side of the ground floor of no. 62.

The kitchen window referred to is the one most directly affected by the development, and was a very important factor in the decision reached on the first application. It is a bay at the side, looking directly into the passage at the side of no. 60 so that light to it is dependant on land within the neighbouring house's curtilage. It is evident from the history of the property that this window is not part of the original design, and was installed without consent. Despite this it has been there for many years and consideration has to be given to any loss of amenity resulting from the proposal.

The relevant policy in the Lancaster District Local Plan is H7, which deals with new residential development in specified villages, including Hest Bank. It requires that such development should:

- Be appropriate in terms of design, density and open space standards to its surroundings
- Not have a significant adverse effect on the character of the settlement, surrounding landscape, or the amenities of nearby residents
- Not result in the loss of an important open area
- Make satisfactory arrangements for access, servicing, cycle and car parking, and
- Make satisfactory provision for the disposal of sewage and waste water.

It will be seen from the correspondence received that the objections of the neighbours have not been overcome to their satisfaction. Despite this, the earlier problems have been substantially reduced. The arrangement now proposed would allow a substantial amount of light to the bay window in the side of no 62. The proposal involves bringing the area over the front door of no. 60 forward slightly but the design is consistent with the character of the house, in an area where most of the semi-detached houses have been extended to the side in one way or another.

The case is a marginal one but on balance it is recommended that consent should be granted.

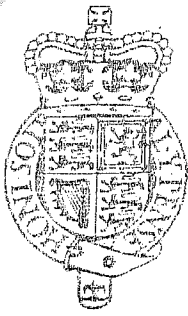
### **HUMAN RIGHTS ACT IMPLICATIONS**

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). It will be noted that the next door neighbours have specifically mentioned the provisions of the Act in their representations. Despite this, there are no special issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **RECOMMENDATION**

**THAT PERMISSION BE GRANTED** subject to conditions as follows:

1. Standard five year condition.
2. Development to be carried out in accordance with the approved plans.
3. Materials to match existing.
4. Use of garage to be incidental to dwellinghouse as such.



# Appeal Decision

Site visit made on 15 June 2004

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the First Secretary of State

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Date 09 JUL 2004

**Appeal Ref: APP/A2335/A/04/1140362**

**60 Marine Drive, Hest Bank, Lancaster, Lancashire LA2 6EB**

- 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 and Mrs J Hughes against the decision of Lancaster City Council.
- The application ref: 03/01190/FUL, dated 15 September 2003, was refused by notice dated 6 November 2003.
- The development proposed is a two-storey side extension.

## Decision

1. I dismiss the appeal.

## Reasons for the decision

2. The main issue in the appeal is the effect of the extension upon the amenities of the occupiers of No 62 Marine Drive. In my opinion, there are two particular concerns. The first is the impact upon the side windows of No 62. The second is the effect upon the privacy of No 62's rear garden.
3. There is a considerable gap between the houses at first-floor level, which would be substantially narrowed by the extension. The amount of light reaching the bathroom and w.c. windows and the main kitchen window on the side of No 62 would be much reduced and the already limited outlook from the kitchen would be diminished. The main kitchen window is in an extension. Unusually, the window has been built on the boundary. I understand this probably occurred about 25 years ago, with the agreement of the then owners. The Council did not approve the window, but they state that they have no power to require its removal. In the circumstances, I consider that I should protect it as an established part of the amenities of the house.
4. The rear garden of No 62 is quite private, because it is not overlooked from the single-storey extension at the rear of No 60 and the only first-floor window at the rear of No 60 is towards the other side of the house. The proposed extension would have a large first-floor window at the rear, which would be close to the boundary. The window would afford views of No 62's rear garden that would significantly erode the standard of privacy currently enjoyed.

INSPECTOR