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## Appeal Decision

Site visit made on 7 September 2016

**by J C Clarke BSc(Hons) BTP MRTPI**

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

**Decision date: 27 September 2016**

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**Appeal Ref: APP/M0655/D/16/3154373**

**19 Tenbury Close, Great Sankey, Warrington WA5 3RN**

- 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 Mrs Ruth Witham against the decision of Warrington Borough Council.
  - The application Ref 2016/27865, dated 13 April 2016, was refused by notice dated 10 June 2016.
  - The development proposed is a part single storey part two storey rear extension and single storey side extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Whilst the appeal form was submitted in the name of the Appellant's agent, the Appellant has subsequently confirmed that the appeal is to proceed in her name.

### Main Issue

3. The main issue is the effect of the proposed development on the living environment of occupiers of neighbouring dwellings at 39, 41 and 43 Matlock Close.

### Reasons

4. The dwellings in the appeal site and neighbouring properties are detached houses set within a modern housing estate. The rear gardens and rear elevations of 39, 41 and 43 Matlock Close, all of which contain habitable room windows, face towards the side of the appeal property. Whilst 39 and 43 Matlock Close are set at an offset angle to the appeal dwelling, the rear elevation of number 41 faces directly towards it.
  5. A gap of about 2.5 metres separates the side of the appeal dwelling from the rear garden boundary of the properties on Matlock Close. Whilst the boundary is marked by a timber fence and there is some shrubbery in the gardens of 39, 41 and 43 Matlock Close, there is limited visual screening between the appeal site and these neighbouring dwellings. 39 Matlock Close also has a conservatory projecting out from its rear elevation.
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6. The 2 storey element of the appeal proposal would have a ridge line which is slightly lower than the existing dwelling. It would also be slightly more than 13 metres from the rear elevation of the nearest house at 41 Matlock Close. It would therefore exceed the minimum distance required between principal windows and facing blank gable walls referred to in the Council's 'Supplementary Planning Guidance – House Extensions' (SPG 2), which is only a guideline figure in any event. Although the rear windows in the proposed 2 storey extension would be close to the rear garden of 43 Matlock Close, as they would not face directly towards it they would not cause an unacceptable effect on the privacy of the occupiers of number 43.
7. Set against these points however the 2 storey extension would project from the rear of the dwelling by a full 3 metres along the same alignment as the existing gable. It would result in the gable being about 10 metres wide in total and although its facing roof pitch would slope away from the properties on Matlock Close it would have the same eaves height as the existing house in the appeal property. It would result in the overall width and massing of the gable which is seen from the properties on Matlock Close being much larger than it is at present and extending across the extent of the garden width of 41 Matlock Close.
8. Furthermore it would be set at a higher ground level than the neighbouring dwellings on Matlock Close. Whilst the effect on the outlook available from 39 and 43 Matlock Close would be acceptable due to their offset position in relation to the appeal dwelling, the effect on the outlook from rear habitable room windows and the rear garden of 41 Matlock Close would be overbearing and oppressive.
9. In addition, as the proposed 2 storey extension would be to the west of 41 Matlock Close, its bulk and massing would lead to some loss of sunlight to this neighbouring dwelling. Although such loss of sunlight would not occur until evening and is likely to have some seasonal variation this would nevertheless add to the harm that I have identified.
10. The proposed single storey side extension element of the proposals would, having regard to its limited height and massing, be too small when considered in isolation to have a substantial effect on the outlook from any of the neighbouring dwellings. It would also not cause overlooking of any neighbouring property. However, these points do not outweigh the harm that would be caused by the appeal proposals considered as a whole.
11. As stated by the Appellant, there is some scope for planting to be undertaken to soften the visual effects of the proposed 2 storey extension. However, due to the need to ensure that any substantial planting is sufficiently far from the proposed extended dwelling to protect its foundations from root damage, and to ensure that such planting does not itself create overshadowing of either the appeal property or neighbouring properties, this is unlikely to be sufficient to mitigate the harm that I have identified.
12. The existing conservatory which would be replaced by the proposed rear extension is of limited height and prominence, and I do not consider that its removal and replacement by the proposed 2 storey rear extension would cause any material improvement in the privacy enjoyed by occupiers of any neighbouring dwelling or to the appearance of the appeal dwelling.

13. As stated by the Appellant, the illustrations in the Council's 'Supplementary Planning Guidance – Rear Extensions' 2003 (SPG C) relate to proposals for rear extensions which are situated on a common party boundary with an affected neighbouring property. Although this situation does not apply in the case of the appeal proposal, this does not mean that the proposal would not have a harmful effect as I have described above.
14. I note the Appellant's point that the proposal would constitute Permitted Development if the Council had not withdrawn rights relating to this matter. However, this does not over-ride my duty to determine the appeal proposal in accordance with the development plan unless material considerations indicate otherwise.
15. I conclude that the proposed development would, having regard to all the matters set out above, cause material harm to the living environment of occupiers of 41 Matlock Close. As a result it would conflict with the provisions of Policies CS1 (bullet point 11) and QE6 (bullet point 9) of the Warrington Core Strategy, SPG2 and SPG C, and the National Planning Policy Framework relating to this matter.

### **Conclusion**

16. For the reasons which are set out above, I dismiss the appeal.

*Jonathan Clarke*

INSPECTOR