
Appeal Decision

Site visit made on 13 September 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 30 September 2016

Appeal Ref: APP/D0650/W/16/3153306

117 Birchfield Road, Halton, Widnes WA8 7TG

- 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 T Wakefield against the decision of Halton Borough Council.
 - The application Ref 16/00163/FUL, dated 25 April 2016, was refused by notice dated 26 May 2016.
 - The development proposed is the construction of a DDA compliant bungalow and associated landscaping works to the rear of 117 Birchfield Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions of the future occupants of the dwelling with particular regard to outlook;
 - the effect of the development on the living conditions of the occupiers of neighbouring dwellings with particular regard to outlook and daylight;
 - whether the development would create a precedent for other similar proposals.

Reasons

Character and appearance

3. The appeal site forms part of the rear garden to No. 117 Birchfield Road, a semi-detached two storey dwelling which lies opposite Victoria Park. The area is characterised by a range of residential properties some Victorian some later, traditionally constructed in brick with slate or tiled roofs. Properties close to the appeal site have large rear gardens bounded by mature trees and hedges, some with ancillary rear outbuildings and garages.
 4. The appeal scheme proposes the erection of a bungalow in the rear garden to No.117 accessed by a separate driveway between the host property and No. 119 Birchfield Road. An existing rear outbuilding would be retained and used
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to provide a garage for the bungalow. The erection of a dwelling in this location, where rear gardens are undeveloped apart from secondary domestic buildings, would be at odds with the existing pattern of development in the area. In addition the proposed dwelling would occupy a large part of the rear garden to the host property and would have only a small area of amenity space. The host property No. 117 would also have a reduced rear garden area. The resultant plot sizes and limited external amenity space would not be in keeping with the more spacious plots and large rear gardens typical of neighbouring dwellings. The proposal would appear cramped in comparison and would result in a backland development not reflecting the existing urban grain.

5. The appellant has brought my attention to a 3 bedroom detached property constructed in the rear garden of a dwelling on Victoria Avenue. I have been provided with no evidence with regard the context or planning history of this dwelling. However it appears to me that the host dwelling forms a corner property, and whilst the house occupies a rear garden space, it faces an accessway. It is therefore not directly comparable to the case before me, which I have considered on its individual merits.
6. I consider that the appeal proposal would cause harm to the character and appearance of the area and would be contrary to Policies BE1 and BE2 of the Halton Unitary Development Plan (UDP) 2005 and Policy CS18 of the Halton Core Strategy (CS) 2013 which amongst other things aim to achieve high quality design that respects local distinctiveness.

Living conditions for future occupants

7. As I have stated above, the appeal property would be sited close to the boundaries of the site with the rear gardens of neighbouring dwellings. The windows of proposed Bedroom1 would be positioned just over 3 metres from the boundary fence with No. 119 Birchfield Road and the window of the guest bedroom would be around 2.7 metres from the boundary with No. 115. I consider that the close proximity of these windows to boundary fences would result in a poor outlook for the future occupiers of the dwelling.
8. The appeal scheme would therefore result in harm to the living conditions of future occupiers and conflict with Policy BE1 of the Halton UDP which amongst other things aims to prevent the unacceptable loss of amenity to residential occupiers, consistent with Paragraph 17 of the National Planning Policy Framework (the Framework), which seeks to secure a good standard of amenity for all future occupants of land and buildings.

Living conditions of the occupants of neighbouring dwellings.

9. The proposed bungalow would be sited approximately 3.1 metres and 2.7 metres from the boundaries of the site with the rear gardens of neighbouring dwellings. The property would have a height of around 2.3 metres to eaves and 5.3 metres to the ridge, though I note from the appellant's evidence that the height has been reduced from previous schemes. It would be approximately 12 metres in length.
10. I have had regard to the height and width of the proposed dwelling together with the separation distance from the rear windows of the neighbouring property at No. 119. I do not consider that the proposal would have such a

significant enclosing or overbearing effect that it would be materially harmful to the outlook from this property. With regard to No. 115, as a result of the existing rear garage and the presence of the outbuilding to the rear of the appeal property, I consider that the outlook from this property would also not be adversely affected.

11. The Council have also raised concern with regard to the loss of daylight to the neighbouring properties. However I have not been provided with any evidence in this regard for example a daylight analysis to show the impact of the proposed development. However having regard to the orientation of the properties, I consider that No. 115 located to the south of the appeal site would not experience a significant loss of daylight to the rear garden. No. 119 is located to the north and whilst I accept that there would be some increased overshadowing to the rear garden I am not persuaded that this would result in an unacceptable impact for the occupiers of the property.
12. I therefore consider that the appeal proposal would not cause harm to the living conditions of the occupants of neighbouring properties and would therefore comply with Policy BE1 of the Halton UDP which amongst other objectives seeks to ensure that a development does not result in the unacceptable loss of amenity through overlooking, overshadowing or overbearing appearance to adjacent residential uses. This policy I consider to be generally consistent with the Framework in particular paragraph 17 which has a similar objective.

Precedent

13. I have considered the Council's argument that the grant of planning permission would set a precedent for the development of other rear gardens. I noted on my site visit that there are a number of sites where a similar development could be a possibility. I have had particular regard to the sites specifically referred to by the Council. There are however some differences between these examples and the appeal case in terms of the siting of the existing dwellings, length of rear gardens and width of access drives. Each application and appeal must be determined on its individual merits. Accordingly, I consider that the appeal proposal if allowed would not set a precedent for further development in other rear gardens in the locality.

Conclusion

14. I have found that the appeal proposal would not cause harm to the living conditions of the occupants of neighbouring dwellings or set a precedent for similar future development. Whilst these matters add support to the proposal, they do not outweigh the harm I have identified to the character and appearance of the area and the living conditions of future occupants.
15. For the above reasons and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR