

Appeal Decision

Site visit made on 29 November 2016

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 15th December 2016

Appeal Ref: APP/M0655/D/16/3161042

26 Church View, Lymm, Warrington WA13 9ES

- 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 Rob Dickinson against the decision of Warrington Borough Council.
 - The application Ref 2016/28624, dated 30 July 2016, was refused by notice dated 26 September 2016.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I note that the appellant wishes me to consider the appeal on the basis of the original plans which were submitted with the application. However, I must determine the appeal on the basis of the plans which were refused.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description has been agreed. Accordingly, I have used the one given on the original application.
4. As part of my site visit I took the opportunity to view the appeal site from the neighbouring property.

Main Issue

5. The main issue in this case is the effect of the proposed development on the living conditions of the occupants of residents of the neighbouring property in relation to outlook.

Reasons

6. The host property is the end terrace of a group of modest modern town houses which have been designed so that the rear wall of each property sits forward of its neighbour. This results in a staggered effect along the line of the properties.
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7. The configuration of the properties is such that the existing side elevation of the host property projects out almost to the line of a 45 degree angle taken from the mid- point of the French doors of the neighbouring property, which provide the only outlook to the rear of the house at ground floor level. Consequently, the outlook from them is particularly important.
8. Whilst I note that the proposed development would be marginally set back from the boundary, it would extend around a further 3.6 m to the rear of the property. Therefore, this would significantly compromise the '45 degree code', as when both the existing protruding brick wall and the proposed extension are added together, the wall would extend out from the neighbours' back wall by around 5.7 m.
9. This 45 degree code is set out in the Supplementary Planning Guidance- House Extension Guidelines¹ Section C. Its objective is to ensure that the impact of a development is acceptable by ensuring extensions do not over dominate neighbouring properties. Whilst only guidance, the SPG has been the subject of consultation and has been adopted. Therefore, I accord it significant weight.
10. I am aware from the photographs which have been provided that in the summer the shrubs and trees within the neighbouring garden would provide an element of screening. However, as I was able to see on site, in winter the mitigation impact would be considerably reduced. Moreover, even in summer, the length of the proposed brick extension, the height of the walls, together with its sloping gable roof, would have a substantively different impact to that of the existing 1.8 m fence.
11. Therefore, given the modest size of the properties and that the occupants of the neighbouring property are likely to spend a considerable amount of time in the rear downstairs room; the proposed development would have a significant impact on their living conditions as it would result in an oppressive outlook.
12. I note from the appellant that the neighbouring residents have no objection to the proposed development. Indeed, I understand that they wish to bring forward a similar development. Irrespective of whether this is the case; I must consider the proposed development on the basis of the refused scheme before me.
13. Additionally, the appellant is concerned about the way in which the Local Authority handled the planning application. However, this matter is not determinative in my consideration of the appeal.
14. The appellant has pointed out the impact of the proposed development would be less than that of a two storey extension and that it may be possible to build a similar proposal under permitted development rights. Nonetheless, I have determined the appeal solely on the basis of the application before me taking into account the particular circumstances of the appeal site.
15. I understand the appellant's desire to provide more living accommodation. However, I have found that the impact of the proposed extension would be contrary to Policy QE6 of the Warrington Borough Council Local Plan Core Strategy July 2014, which requires developments not to have an adverse impact on the living conditions of those currently occupying nearby properties, and the provisions of the Framework set out in Paragraphs 56 and 64, which

¹ Adopted 2003

attaches great importance to the design of the built environment which should contribute to making places better for people, and that permission should be refused for development of poor design.

Conclusion

16. For the reasons set out above I dismiss the appeal.

L. Nurser

INSPECTOR