

Appeal Decisions

Site visit made on 10 January 2017

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 16 January 2017

Appeal Ref: APP/M0655/W/16/3154477

29 Warren Road, Appleton, Warrington WA4 5AG

- 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 George Tickle against the decision of Warrington Borough Council.
 - The application Ref 2016/28064, dated 12 May 2016, was refused by notice dated 21 June 2016.
 - The development proposed is conservatory on the side of the house.
-

Appeal Ref: APP/M0655/C/16/3155108

29 Warren Road, Appleton, Warrington WA4 5AG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr George Tickle against an enforcement notice issued by Warrington Borough Council.
 - The enforcement notice was issued on 5 July 2016.
 - The breach of planning control as alleged in the notice is the erection of a side conservatory.
 - The requirements of the notice are remove from the land all above ground elements of the newly constructed side conservatory.
 - The period for compliance with the requirements is 90 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeals are allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a side conservatory on land at 29 Warren Road, Appleton, Warrington as referred to in the notice.

Reasons

2. The main issue in both appeals is the effect of the conservatory on the character and visual amenity of the area.

3. 29 Warren Road is a relatively modern detached two-storey dwelling and the residential property has a south frontage to Warren Road and a west frontage to a short cul-de-sac. The surrounding area is wholly residential and development on Warren Road is spaciouly laid out. The appeal dwelling is set above the level of Warren Road and the cul-de-sac and, given its corner plot location and low boundary walls, is a prominent feature of the street scene.

4. The conservatory is about 2.6 metres by 3.7 metres and fills in a rectangular area bounded by two external walls of the dwelling. It does not therefore extend forward of either building line of the dwelling. Its two external walls and its hipped glazed roof are framed in white uPVC and its elevations have glazing above white uPVC panels. The roof of the conservatory extends above the monopitch roof of an adjoining single storey element of the dwelling on its cul-de-sac elevation but is well below the roof of the main part of the two-storey dwelling. Given its location relative to the dwelling and its materials the conservatory is a highly visible feature in the street scene on Warren Road, particularly in views from the west.

5. The appeal dwelling, like other dwellings on the north side of Warren Road and around the cul-de-sac, is a plain, somewhat nondescript, building with a simple design and character. Many of the dwellings have been altered and extended since they were built probably in the 1970s. Dwellings on the south side of Warren Road are older, probably built in the inter-war period of the 20th century, and have a distinctive character, though many of these dwellings have been subject to alteration such as the insertion of uPVC windows. There is no consistent character in the street scene and despite its visibility and its white uPVC framing and panels the conservatory is not particularly incongruous to that character.

6. The conservatory is not unduly out of character in the street scene and has not caused any significant harm to the visual amenity of the area. There is no conflict with policy QE7 of the Council's Core Strategy or with the Council's Supplementary Planning Guidance on House Extensions. The Council has suggested two conditions both of which fail the test of necessity as the conservatory has been built. The appeals therefore succeed and planning permission has been granted, without conditions, for the erection of a side conservatory on land at 29 Warren Road, Appleton, Warrington.

John Braithwaite

Inspector