
Appeal Decision

Site visit made on 1 March 2017

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 7 March 2017

Appeal Ref: APP/M0655/D/17/3167835

350 Padgate Lane, Padgate, Warrington WA1 3DU

- 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 Ruairi Lennon against the decision of Warrington Borough Council.
 - The application Ref 2016/29203, dated 4 November 2016, was refused by notice dated 23 December 2016.
 - The development proposed is two storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers at No 352 Padgate Lane with particular regard to light and outlook in their outdoor amenity space.

Reasons

3. The appeal site is one of a pair of semi-detached houses constructed close to the railway which defines the northern boundary of their plots; albeit the angled disposition of the houses relative to that feature allows more amenity space to the rear at the appeal site than within the much more tightly constrained plot of its adjoining neighbour to the east, No 352. The appeal site enjoys a very extensive side garden separating it from the nearby Padgate Methodist Church and it is this extensive side garden that the pitched roof extension proposed would face onto. It would also project north-westward to the rear at two storeys adjacent to the boundary with No 352. It is an ambitious and ingenious form of extension which responds to the rather unusual configuration of the house relative to its plot boundaries.
4. The houses are orientated south-east to north-west front to back and the common boundary with No 352 is coincident at the rear with a two storey outrigger to that property. This has a blank north-western wall but windows in its north-eastern elevation look out onto a narrow patch of lawned garden that is unusually small for a house of this size. An even smaller area between the blank north-western face of the outrigger and the plot boundary to the railway is currently used as a patio.

5. Owing to the orientation of the host dwelling, the small lawned area to No 352 will receive the morning sun for a while, as would the patio for a lesser time until the sun moves round to the south to shade much of the former and all of the latter, even in the height of summer. Later in the day, as the sun sinks in the west over the roof of the church, some sun might reach the northern extremity of the lawned area and possibly a little of the adjacent patio in the most favourable months, but in the main the latter at least would be shaded by the boundary to the adjacent appeal site. It is clear that the garden at No 352 needs all possible chances to receive direct sunlight if it is to be adequately enjoyed as an amenity by occupiers of the house.
6. The effect of the proposed two storey extension projecting north-westward beyond the outrigger to No 352 would be to effectively deprive its garden of any appreciable sunlight in the late afternoon and early evening, a time when its occupiers might reasonably be expected to enjoy the limited sunlight currently available; and, whilst the existing shading of the north-east facing windows would not be materially affected, the limited garden space that currently benefits from a small possibility of late afternoon and early evening sun would be effectively deprived of even that. It would be cast into a deep shade so as to exacerbate its already gloomy circumstances at that time of day.
7. The two storey north-westward projection proposed would, moreover, severely curtail the outlook from that limited part of the garden at No 352 from which it is possible to see the sky to the west over the roof of the church. This would be unduly oppressive in the circumstances of this garden and, of itself, would be unacceptably harmful to its enjoyment
8. All in all, the quite limited amenity provided by the garden at No 352 would be variously harmed by loss of both daylight and, towards the end of the day in summer, some direct sunlight - a loss which would be harmfully and unacceptably compounded by the oppressive presence of the relevant part of the proposed extension at 350 Padgate Lane. The fact that the amenity of the neighbouring garden is already limited by circumstances in no sense justifies making those circumstances worse.
9. Policies CS1, QE6 and QE7 of the Council's Local Plan Core Strategy variously seek to protect residential amenity (albeit somewhat indirectly in the case of QE7), an aim consistent with the fourth core principle of the National Planning Policy Framework as set out in paragraph 17.
10. In conflict with those intentions, the proposal at issue would, for the reasons I have given, unacceptably harm the living conditions of occupiers of No 352 owing to loss of light and outlook otherwise capable of being enjoyed in the limited outdoor amenity space available to them. Whilst I have taken into account all other matters raised, no material considerations sufficient to outweigh that harm have been identified. I therefore conclude that the appeal should be dismissed.

Keith Manning

Inspector