

Appeal Decisions

Site visit made on 28 February 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/M0655/W/16/3161229

3 Hayscastle Close, Callands, Warrington, Cheshire, WA5 9UR

- 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 Paul Brown against the decision of Warrington Borough Council.
 - The application Ref 2016/28259, dated 30 May 2016, was refused by notice dated 18 August 2016.
 - The development proposed is existing raised decking and walls/fencing to boundary of rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for raised decking and walls/fencing to boundary of rear garden at 3 Hayscastle Close, Callands, Warrington, Cheshire, WA5 9UR in accordance with the terms of the application, Ref 2016/28259, dated 30 May 2016.

Procedural Matter

2. I have used the Council's description of development as it is more concise, although I have removed "retention of" as this does not form part of the development. I have also changed the last "and" to "of" so that the location of the walls is properly described.

Application for costs

3. An application for costs was made by Warrington Borough Council against Mr Paul Brown. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect of the development upon the living conditions of the occupiers of neighbouring dwellings.

Reasons

5. The submitted plans are inadequate and it is impossible to understand the development from them. That said, the appellant has confirmed that the boundary and decking have been completed and I was able to see them at my visit. Therefore, I am satisfied that I understand the development applied for.
 6. Having looked at the walls and decking I find that their appearance is acceptable. I have no substantive evidence to suggest that any harm to living
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conditions has occurred as a result of their existence, and I saw nothing on site to lead me to conclude that living conditions of neighbours has been harmed.

7. I note the Council's comments that there are no meaningful plans to which permission can be tied. However, as the development has already been carried out, it is not necessary to impose a condition to ensure that the development conforms to a specific plan.
8. Moreover, as the planning application was registered and a decision made, I must base my decision upon the information before me – which is what I saw at my visit. Should unauthorised development be carried out at the property at a future date, this would be a matter for the Council to investigate, based upon the evidence available at the time and the evidence already collected.
9. The netting and supporting posts do not form part of this appeal proposal and therefore I have not taken them into account.
10. I conclude that the development does not harm the living conditions of the occupiers of neighbouring dwellings. Consequently, I find no conflict with Policies QE6 and QE7 of the Warrington Local Plan Core Strategy, 2014. These policies seek to ensure that development is of a high quality design and does not lead to an adverse impact upon the environment or the amenity of existing or future occupiers. The National Planning Policy Framework and the Council's Household Extensions Supplementary Planning Guidance have similar objectives so I find no conflict with them either.
11. For the reasons above, I allow the appeal.

Siobhan Watson

INSPECTOR