
Appeal Decision

Site visit made on 11 April 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 10 May 2017

Appeal Ref: APP/M0655/D/17/3171165

67 Astley Close, Latchford, Warrington WA4 6RA

- 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 John Emson against the decision of Warrington Borough Council.
 - The application Ref 2016/29349, dated 18 November 2016, was refused by notice dated 9 February 2017.
 - The development proposed is a detached garage/home office.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The building subject to appeal had already been erected at the time of the Council decision. This has not affected my consideration of the appeal which I have assessed on its planning merits.

Main Issue

3. The main issue is the effect of the development subject to appeal on the outlook available from the rear garden of 65 Astley Close.

Reasons

4. The dwellings at numbers 67 and 65 Astley Close form 2 neighbouring bungalows. Although the 2 dwellings are separated from each other, their rear gardens share a common boundary, which is marked by a timber fence of up to about 2 metres in height. Number 65 contains a rear conservatory extension and, next to part of the boundary with number 67, a garden shed.
5. The new building subject to appeal is in the rear garden of the appeal property and runs immediately alongside a substantial part of the rear garden of number 65. Due to its estimated length of 9 metres and height of 3.3 metres¹ it forms a prominent feature which projects significantly over the boundary fence when viewed from the garden of number 65. It is also substantially higher than the height limit of 2.5 metres which applies to detached buildings which may be

¹ All measurements of the building quoted in my decision are based on those provided by the appellant

built under 'permitted development' rights within 2 metres of the boundary of the curtilage of a dwelling².

6. I accept that, due to its ridged roof design, the highest part of the building is set slightly back from the boundary with number 65. The height of its eaves, identified as being about 2.6 metres, only slightly exceeds the 'permitted development' limit referred to above. Being located on the north side of number 65, the building does not cause any substantive loss of sunlight or daylight for the occupiers of that property. Its front portion is also partially shielded in views from number 65 by the shed within the grounds of that property. These points do not, however, neutralise the harm that the building causes to the outlook from the garden of number 65. The lack of objection from the current occupiers of number 65 also does not mean that no such harm arises.
7. I have also noted that whilst the site is subject to a lawful development certificate, this related to a previously proposed building which would have been shorter and lower than that which has been built.
8. I acknowledge that the building subject to appeal does not adversely affect the street scene or living conditions within any dwelling to the rear of the site, and that reducing its size could be costly. However, these points do not outweigh the harm that I have identified earlier.
9. Having regard to all these points I consider that, due to a combination of its height, length and position the building subject to appeal has an overbearing effect on the outlook from the garden of 65 Astley Close, which is sufficient to cause material harm to the living conditions of the occupiers of that property. I therefore conclude that allowing the appeal would conflict with relevant provisions of policy QE6 of the Warrington Local Plan Core Strategy and the National Planning Policy Framework relating to this matter.
10. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR

² See Class E.1 of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015