
Appeal Decision

Site visit made on 18 April 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 11th May 2017

Appeal Ref: APP/M0655/W/17/3168263
168 London Road, Warrington, WA4 5BH

- 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 Stephen Lohan against the decision of Warrington Borough Council.
 - The application Ref 2016/28947, dated 19 September 2016, was refused by notice dated 22 December 2016.
 - The development proposed is construction of new detached house in existing grounds.
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Decision

1. The appeal is allowed and planning permission is granted for construction of new detached house in existing grounds at 168 London Road, Warrington, WA4 5BH in accordance with the terms of the application, Ref 2016/28947, dated 19 September 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site comprises the rear garden of No 168 London Road. It is located in a relatively low density residential area, characterised by larger detached and semi-detached properties.
 4. The rear garden to No 168 is generous in size and has a direct frontage onto London Road. The proposed dwelling would be positioned at the far end of this garden opposite an existing property on the other side of London Road. It would have a similar appearance to No 178, located a short distance to the south, and would be consistent with the building line established by Nos 168 and 178. Whilst the new property would have a relatively small rear garden, it would be comparable to those of other nearby properties. The retained garden to No 168 would also be of a similar size to those of surrounding properties. The new dwelling would not appear unduly cramped in this context, and it would be consistent with the lower density grain and character of the area.
 5. The new dwelling would be set behind the existing tall boundary wall, which would be retained. It would also be partly screened in longer views along London Road from the north and south by existing trees and planting. These
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features would serve to limit the development's visibility and impact on the surrounding area.

6. For the above reasons, I conclude that the development would not significantly harm the character and appearance of the area. It would therefore be in accordance with Policies CS1, QE6, and QE7 of the Warrington Local Plan Core Strategy (2014). These policies seek to ensure, amongst other things, that that new development reinforces local distinctiveness and enhances the character and appearance of the area. It would also accord with the National Planning Policy Framework which supports good design.

Other Matters

7. The garden room to No 168A has a rear facing window that would look out over the garden of the proposed dwelling. However, this garden room is detached from No 168A and its main sources of light and outlook are provided by inward facing windows. Any loss of privacy to either the garden room or the new property could be addressed by providing external planting to block unwanted views, which could be secured by condition.
8. Separately, I do not consider that the proposed dwelling would result in any significant loss of privacy or outlook to the properties on the opposite side of London Road. The gap between the new dwelling and these properties would be adequate, and the orientation of the property directly opposite would prevent any overlooking at first floor level.

Conditions

9. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development. I have also imposed a condition that requires samples/details of all external facing materials to be submitted and approved. This condition is necessary to protect the character and appearance of the area.
10. A condition requiring the submission and approval of a Construction Method Statement is necessary in order to preserve the amenities of nearby occupiers and to ensure the free flow of traffic during the construction process. This is a pre-commencement condition as the Construction Method Statement will govern all aspects on the construction process. Conditions requiring the submission and approval of a landscaping plan are necessary to preserve the privacy of the proposed dwelling and the garden room to No 168A, and the character and appearance of the surrounding area. A further condition requiring the access and parking areas to be installed prior to the occupation of the development is necessary to ensure that these facilities are available for future occupiers. Finally, a condition requiring an electronic charging point to be installed is necessary to ensure provision for the charging of electric vehicles, in accordance with local guidance.
11. The Council suggested further conditions relating to land contamination. However, there is no evidence before that these are necessary, and I note that the current use is a domestic garden rather than a commercial use. A suggested condition relating to noise insulation is also unnecessary given that the proposed dwelling is located within an established residential area.

Similarly, there is no evidence before me of drainage or flood risk issues in the area that would justify a condition relating to foul and surface water.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Site Plan 1:200 Rev C; Proposed Site Plan 1:200 Rev C; Floor Plans 1:100 Rev C; East Elevation 1:50 Rev C; West Elevation 1:50 Rev C; North Elevation 1:50 Rev C; South Elevation 1:50 Rev C; Site Level Datum Locations 1:200 Rev C; Existing Section 1:200/Proposed Reduced Site Sections 1:200; Street Scenes Rev C.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the accumulation of mud and debris on the highway;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall take place above slab level until samples or full details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place above slab level until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. This shall include details of the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Prior to the first occupation of the dwelling, the means of access and the proposed car parking spaces shall be provided and made available for use in accordance with drawing 'Proposed Site Plan 1:200 Rev C'. The car parking and a visibility splay of 2.4m by 43m shall be retained thereafter.

- 8) Prior to the first occupation of the dwelling, details of an electric vehicle charging point to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the dwelling hereby approved.