The Planning Inspectorate

Appeal Decision

Site visit made on 31 May 2017

by A J Mageean BA (Hons) BPl PhD MRTPI

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

Decision date: 3rd July 2017

Appeal Ref: APP/M0655/W/17/3170549
Ego Restaurant, 25 Walton Road, Stockton Heath, Warrington, Cheshire WA4 6NJ

- 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 Ego Restaurants Ltd against the decision of Warrington Borough Council.
- The application Ref 2016/27976, dated 21 April 2016, was refused by notice dated 30 September 2016.
- The development proposed is retractable awning with sliding glass front and sides over existing public seating area.

Decision

1. The appeal is allowed and planning permission is granted for retractable awning with sliding glass front and sides over existing public seating area at Ego Restaurant, 25 Walton Road, Stockton Heath, Warrington, Cheshire WA4 6NJ in accordance with the terms of the application, Ref 2016/27976, dated 21 April 2016, subject to the following 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: Site Location Plan; EGO-S 1101 A Existing Outside Area; EGO-S 1201 A Proposed Outside Area Plan; EGO-S 1301 E Proposed Elevation A, B & C.

Application for costs

2. An application for costs was made by Ego Restaurants Ltd against Warrington Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the building and local area, and on the operation of the adjoining business.

Reasons

Character and appearance

4. The appeal site is located within the Stockton Heath District Centre, a busy local centre with a variety of commercial activities and local services. The area is characterised by a range of traditional buildings alongside more modern

development, though the overall impression is of traditional commercial frontages within two to three storey properties.

5. The appeal restaurant occupies two of the units within the Church Farm Shopping Precinct, a relatively modern development on the western side of Walton Road, adjacent to the main road junction with London Road and Grappenhall Road. Whilst the precinct covers a large area its facades have clearly been designed to reflect the traditional vernacular features of other buildings in the area, including the use of red brick, slate side and front roof pitches and gable features.

6. The appeal restaurant and adjoining bar (Costello's) make use of the wide pavement area in front of their properties for additional customer seating. These areas are presently delineated by low level screens. The proposal would formalise this arrangement by effectively enclosing the area in front of the restaurant.

7. The glass sides and fabric awning of this structure would be supported by a simple aluminium frame, giving the appearance of a lightweight structure. This would contrast with the solidity of the red brick building, which would to some degree remain visible behind this structure. This addition would also sit partly underneath the existing glass canopy, which would serve to reduce its visibility and ensure that it would not appear unduly cumbersome or detract from the overall appearance of the building. Whilst I accept that the retraction of the awning and glass sides would further reduce the visibility of the structure in good weather, unpredictable weather conditions means that this would be likely to be in place for much of the year. Nevertheless overall the structure would appear as a subservient addition to the building.

8. I accept that the existing frontage is of modest design and that views of it would be largely obscured by this structure. I also accept that this frontage is of some size, effectively spanning two shop fronts. However, it is already partially masked from all but close viewpoints by the existing canopy. Also as the ground floor of the precinct is dominated by glass shopfronts, the predominate use of glass in the proposed addition would not appear out of place. Furthermore, as this part of the building is stepped behind the frontages to both the north and south, the projection beyond the existing canopy would not appear unduly intrusive in local views.

9. Whilst canopies of similar design are not currently present in the Centre, the use of external areas for additional seating is a common feature. Other bars and restaurants employ a variety of methods to define and furnish their external seating spaces. Whilst I accept that none of these are enclosed to the degree proposed in this case, the lightness of this structure, combined with the relatively deep forecourt, would ensure that the addition would not be out of place. As such my view is that this structure would not detract from the appearance of the building nor the local distinctiveness of the wider area.

10. I understand that the appeal site is located adjacent to but outside both the London Road and Stockton Heath Conservation Areas. In accordance with the Glossary to the National Planning Policy Framework, it is important to consider whether the setting of these heritage assets would be affected by this development. In this case, in light of the above discussion, my view is that the proposal would have a neutral effect on the setting of these Conservation Areas.

11. On this matter I conclude that the proposal would not have a detrimental effect on the character and appearance of the building or local area. It would therefore comply with the Warrington Borough Local Plan Core Strategy 2014 (LPCS), which at Policy QE7 supports proposals which reinforce local distinctiveness and enhance the character, appearance and function of the street scene, local area and wider townscape, and which harmonises with the scale, proportions and materials of existing buildings.

Effect on the adjoining business

12. The presence of this addition would to some degree reduce the visibility of the adjoining bar to the north when approaching from the south along Walton Road. I also note that the visibility of the bar is already somewhat reduced by the presence of the brick columns. Nonetheless, with the proposal in place some visibility of the bar's outside seating area would remain as this presently projects further forward into the pavement area than that of the restaurant. Furthermore, the bar is located adjacent to the Victoria Square junction and it can be clearly seen from both the Grappenhall Road and London Road approaches. Also, as there are a variety of bars and restaurants in this Centre, potential customers are likely to walk around the area to view the range of eating and drinking options. Therefore the reduction in the visibility of the bar from one direction would be unlikely to reduce awareness of this business, overall.

13. The bar owner makes reference to the proposal introducing a new floor level, which would mean that as the bar customers would be seated at a lower level, their view to the south would be underneath the restaurant customers tables. There is a gradual falling gradient across the forecourt area from south to north, and west to east. This is represented in the appellant's drawings by the gradual stepping down of the planters on the northern section. The appellant has confirmed that the internal floor level would be raised by both new flooring and to allow a flat floor, such that the raised floor would be a maximum of 350mm. This is considerably below the 520mm estimated by the bar owner. Given the likelihood that most bar furniture would face away from the restaurant, my view is that this height difference would not lead to the bar customers feeling uncomfortable.

14. The bar owner also expresses concern about the blocking of natural light to the bar. As these buildings face east, and the bar is to the north of the proposed structure, I accept that there would be some light loss to the bar forecourt in the winter months. However, given that the proposed structure is largely glass, and that its awning would be open during times of sunshine, any loss of light would not be significant.

15. In these respects it is unlikely that this proposal would have a harmful effect on customers being attracted to the bar, and therefore the longer term viability of this business.

16. I therefore conclude that the proposal would not have a detrimental effect on the operation of the adjoining business. In this regard it would comply with the LPCS Policy QE6 which will only support development which would not lead to an adverse impact on the environment or amenity of those currently occupying adjoining properties. Nor would it conflict with Policy SW1 which requires proposals to contribute positively to the vitality of the centre.

Conclusion

17. I conclude that this proposal would not have a detrimental effect on the character or appearance of the building or wider area, including the setting of the adjacent Conservation Areas. I have also found that it would not have a harmful effect on the operation of the adjoining business. Therefore, as the development would accord with the development plan taken as a whole, the appeal should succeed, subject to a condition specifying the approved plans which is required for certainty.

AJ Mageean

INSPECTOR