



Appeal Decision

Site visit made on 5 July 2017

by B Bowker Mplan MRTPI

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

Decision date: 11 July 2017

Appeal Ref: APP/M0655/D/17/3172949

2 Mitchell Street, Stockton Heath, Warrington WA4 6LS

- 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 Warren Jackson against the decision of Warrington Borough Council.
 - The application Ref 2017/29699, dated 24 January 2017, was refused by notice dated 24 March 2017.
 - The development proposed is construction of roof terrace.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a roof terrace, at 2 Mitchell Street, Stockton Heath, Warrington WA4 6LS, in accordance with the terms of the application Ref 2017/29699, dated 24 January 2017, 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 submitted with the application: Location Plan and Proposed Plan.

Preliminary Matters

2. The description of development used above is taken from the appeal form which is more concise.
3. During my site visit, I viewed the appeal site from No 4 Mitchell Street as requested by the Council. I was unable to view the appeal site from No 4 Dukes Quay. However, based on what I observed during my site visit, I am satisfied I have seen all that is necessary to determine the appeal.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbours residing at Nos 4 Dukes Quay and 4 Mitchell Street, with particular reference to privacy and noise and disturbance.

Reasons

5. The appeal site comprises an end of terrace property surrounded by similar properties to its west and east. The proposed roof terrace would have a glass screen approximately 1.1 metres in height along its sides. A canal runs from

west to east to the south of the site. First floor balconies are at Nos 1-4 Dukes Quay and a second floor roof extension with a glazed screen balcony is at No 18 Mitchell Street in close proximity to neighbouring habitable room windows.

6. During my site visit I viewed the surrounding area from the flat roof where the proposed balcony would be sited. Owing to the first floor pitched roof projection at No 4 Mitchell Street, views of the neighbouring property and amenity area are restricted. Furthermore, the limited and indirect views of No 4 Mitchell Street would have to be actively sought when stood on the flat roof area. Moreover, views from the first floor Juliet balconies at the appeal site already offer a greater degree of overlooking compared with the proposal.
7. Views from the flat roof towards No 4 Dukes Quay consist of its roof plane and part of an upper and windowless elevation, with a skylight window set away from the proposed roof terrace area. Views of the amenity area at No 4 Dukes Quay are indirect and limited owing to the flat roof area being set back from the neighbouring amenity area and the presence of a tapered side boundary wall and gate. In comparison with the proposal, the amenity area serving No 4 Dukes Quay has a greater potential to be overlooked from a first floor balcony at No 3 Dukes Quay. Furthermore, in contrast to the roof extension at No 18, I cannot agree that the proposal would lead to harmful levels of noise and disturbance with the flat roof area sited sufficiently away from habitable room windows at Nos 4 Dukes Quay and 4 Mitchell Street.
8. Therefore the proposal would not have a harmful effect on the living conditions of neighbours residing at Nos 4 Dukes Quay and 4 Mitchell Street, with particular reference to privacy and noise and disturbance. Consequently the proposal would meet the requirements of Policy QE6 of the Local Plan Core Strategy which seeks to ensure development respects the living conditions of existing neighbouring residential occupiers in relation to overlooking/loss of privacy and noise and disturbance.

Conclusion

9. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be allowed subject to the above noted conditions.

B Bowker

INSPECTOR