
Appeal Decision

Site visit made on 22 July 2019 by Hilary Senior BA(Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 5 September 2019

Appeal Ref: APP/D0650/W/19/3222139

20 Maple Avenue, Runcorn, Cheshire, WA7 5LB

- 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 Carl Rodgers against the decision of Halton Borough Council.
 - The application Ref 18/00218/FUL, dated 1 May 2018, was refused by notice dated 9 August 2018.
 - The development proposed is new detached property on the land encompassing number 20, (creating one new dwelling).
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the site and the surrounding area.
 - the effect of the proposal on the living conditions of the occupiers of 20 Maple Avenue with particular regard to light, outlook and bin storage.

Reasons

Character and appearance

4. 20 Maple Avenue is a semi-detached property in an established residential area of Runcorn. The dwellings in the area consist of a variety of house types, sizes and building materials but are generally set out in semi-detached or terraced blocks with each property having a generous frontages and long rear garden. Gaps of varying widths are maintained between each of the blocks.
5. The proposal is the construction of a two-bedroomed house attached to 20 Maple Avenue to create a terrace of three dwellings. It would be narrower than the existing dwelling, but deeper and would consequently protrude beyond the existing rear wall of the dwelling.

6. The proposed dwelling would be considerably narrower than the adjoining houses and as such, whilst care has been taken over the design, would not reflect their proportions or fenestration pattern. Moreover, it would almost fill the space at the side of the property, leaving only a narrow gap between the side of the proposed dwelling and the boundary. Whilst there is a disagreement between the parties about the precise width of the gap, which would form a path round to the rear of the property, it seems to me that as a result of the narrow form of the building and lack of space at the side, the development would appear cramped and out of character with the generously proportioned properties around it. Moreover, the property would reduce the gap between blocks of existing houses and would consequently have an adverse effect on the spatial character of the area.
7. I acknowledge that the existing outbuilding is in need of some updating and that its removal would benefit the area. However, any benefits from the removal of this structure would not outweigh the harm caused by the replacement building.
8. For these reasons the proposal would harm the character and appearance of the surrounding area contrary to Policies BE1- General Requirements for Development and Policy BE2- Quality of Design of the Halton Unitary Development Plan and CS18- High Quality Design of the Halton Core Strategy and the Supplementary Planning Document – Design of New Residential Development together seek to ensure that development is high quality and respects local distinctiveness.

Living conditions

9. I understand that the Council determined an application for a larger home extension to No 20 in 2017 ¹ concluding that prior approval was not required. I acknowledge that the construction of such an extension would prevent overlooking and shadowing of the ground floor of 20 Maple Avenue from the development now proposed which would sit adjacent to it. However, that extension has not yet been built and there is no mechanism for requiring it to be constructed were I to allow this proposal. Moreover, notwithstanding that, the proposal, because of the extent of its rearward projection would cause harm to the living conditions within habitable rooms on the first floor through its overbearing impact and loss of light and outlook.
10. Rear access to both the proposed and existing dwellings would be via the new footpath leading to an area for bin storage, necessitating the need to navigate around the proposed dwelling and garden. Whilst I have considered the Council's concerns about the width and length of the proposed path I am unconvinced that these matters would prevent the path and bin storage area being fully useable and thereby compromising the living conditions of existing or future occupiers.
11. Notwithstanding this, the proposal would cause harm to the living conditions of the occupiers of 20 Maple Avenue, due to the overbearing impact of the extension and subsequent loss of light and outlook from the rear habitable rooms contrary to Policy BE2- Quality of Design of the Halton Unitary Development Plan which requires that adjacent residential uses should not

¹ Application Ref: 17/00164/PDE

suffer unacceptable loss of amenity through overshadowing or overbearing appearance.

Other Matters

12. The benefits of regeneration and investment in the local area would make a positive contribution in favour of the proposal. However, even if there is a shortfall in homes, this proposal would only make a limited contribution to that shortfall and the benefit to the local area is not outweighed by the harm identified to living conditions of occupiers and to the character and appearance of the area.
13. There is a large tree in part of the garden that is currently fenced off but would become the garden of 20 Maple Avenue. There are also trees and shrubs overhanging the boundary between 20 and 22, in the garden of 22 Maple Avenue. These trees can be seen from the road and form an impressive backdrop to the houses. Whilst they are not protected by a Tree Preservation Order they make a positive contribution to the character and appearance of the area. There has been no information submitted on the potential impact of the development on the trees and I cannot therefore conclude that the proposal would not have an adverse impact on their health and thereby affect the positive contribution they make in the long term. However, as I am recommending dismissal of the appeal for other reasons, the matter is not determinative.

Conclusion and Recommendation

14. For the reasons given above and having regard to all other matters raised, I recommend that the appeal should be dismissed.

Hilary Senior

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR