



Appeal Decision

Site visit made on 5 November 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/M0655/D/19/3235943

94 Common Lane, Culcheth, Warrington WA3 4HG

- 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 Rob Barton against the decision of Warrington Borough Council.
 - The application Ref 2019/34425, dated 8 February 2019, was refused by notice dated 7 June 2019.
 - The development proposed is a first floor dormer extension over existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor dormer extension over existing garage at 94 Common Lane, Culcheth, Warrington WA3 4HG in accordance with the terms of application 2019/34425, dated 8 February 2019, 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: 1511-PL-10 and 1531-PL-11.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 1531-PL-11.
 - 4) Before any works to tree T7 (Beech) of The Fourways, Twiss Green Lane, Culcheth Tree Preservation Order 2000 take place, a scheme specifying the proposed works to the tree shall be submitted to and approved in writing by the local planning authority. Thereafter the works shall be carried out in accordance with the approved scheme. All tree work shall be carried out in accordance with British Standard BS 3998: Tree work: Recommendations (or an equivalent British Standard if replaced).
 - 5) No development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the nearby trees specified as trees T6 and T7 in The Fourways, Twiss Green Lane, Culcheth Tree Preservation Order 2000 has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during the construction phase of the development.

Main Issue

2. The effect of the development on the character and appearance of the area with specific regard to its effect on protected trees.

Reasons

3. No 94 is a modern detached dwelling sited on a corner plot at the junction of Common Lane and Twiss Green Lane. The immediate area is characterised by individually styled detached dwellings within large plots and a high level of tree cover. The plot forms part of a wider area of development interspersed with mature trees covered by The Fourways, Twiss Green Lane, Culcheth Tree Preservation Order 2000 (TPO).
4. The existing dwelling fronts on to Common Lane and is bordered on the remaining boundaries by mature tree cover identified as having group or individual amenity value to the locality. The parties agree that the first-floor extension would not give rise to harm to existing trees through damage to the root protection zone as no extension to the existing building footprint would be required.
5. The first-floor extension would extend over the existing single-storey flat-roofed element of the building towards two protected trees within the grounds of the neighbouring site at 5 Stainforth Close. The height of the existing ridge would be continued to extend the main roof slopes and form a new side gable. Front and rear pitched-roof dormer projections would be added to the new roof.
6. The nearest protected tree is a Horse Chestnut (specified as tree T6 in the TPO) with its base lying adjacent to the common boundary between the properties and immediately behind the Common Lane boundary of no 5. The tree is multi-stemmed and splits into three main stems, a fourth having previously been removed along with several lower boughs. The tree subsequently has a high crown level. Whilst the canopy would oversail the proposed extension as it does the existing building, there would be no direct physical conflict with its canopy or the main stems of the tree.
7. However, a direct physical conflict with a minor lower limb of a Beech tree (specified as tree T7 of the TPO) would result. Some pruning works would consequently be required to facilitate the completed development. These works would be of a minor scale such that they would not prejudice the integrity of the tree or significantly affect its appearance or contribution to the character of the wider area.
8. The proposed development seeks to provide a single large bedroom that would benefit from dual aspects through windows to the front and rear of the building. As with the majority of habitable room windows serving the dwelling, the outlook from the proposed windows would feature views of the surrounding trees located both within and outside of the plot. However, due to the canopy heights of the larger trees this outlook would be substantially unobstructed from the proposed windows with clear views below the canopy levels.
9. Consequently, whilst large parts of the site will inevitably be overshadowed during active growing months, this is countered to some measure by the vertical extension and large areas of glazing within the design of the existing house and the proposed dormer lights. Whilst these windows would be closer to

T6 than existing habitable room windows, natural light would still be available as a consequence of the canopy heights, the dual aspects, large window sizes and the augmentation of internal natural light by a proposed rooflight/sunpipe. Furthermore, due to the deciduous nature of the nearby trees, the effect with respect of daylight will be reduced during the darker months of the year.

10. Given the above, the living conditions provided within the proposed extension would be comparable to those in the existing dwelling and therefore any increased pressure for significant future works beyond those necessary in conjunction with good management practice would be unlikely to arise.
11. In the absence of likely future pressure to carry out significant works to, or removal of the protected trees, their contribution to the character and appearance of the locality would not be harmed. I therefore conclude that the development would comply with Policies QE6 and QE7 of the Warrington Borough Council Local Plan Core Strategy (2014), and the provisions of the National Planning Policy Framework (the Framework) as they relate to the protection of the quality of the character and appearance of local townscapes.

Conditions

12. I have considered the suggested conditions from the Council and had regard to Paragraph 55 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed conditions specifying the relevant drawings as this provides certainty.
13. In the interests of protecting the local character a condition requiring matching external materials is imposed.
14. In order to achieve a suitable standard of tree works a condition to specify the extent and detail of the works would be necessary. Additionally, details of measures to protect the nearby trees and their root zones during construction would be necessary. This condition is of necessity a pre-commencement one to ensure the protection and long-term health of the trees.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be allowed.

R Hitchcock

INSPECTOR