



Appeal Decision

Site visit made on 17 December 2019

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2020

Appeal Ref: APP/M0655/W/19/3236464

17 Bradshaw Lane, Grappenhall, Warrington, Cheshire WA4 2NJ

- 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 J Griffiths against the decision of Warrington Borough Council.
 - The application Ref 2018/34122, dated December 2018, was refused by notice dated 1 March 2019.
 - The development proposed is a detached bungalow and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- (i) The effects of the development proposed on the character and appearance of the area.
- (ii) The likely effects on the living conditions of the occupiers of Nos 15 and 19 Bradshaw Lane in view of the proximity of the proposed bungalow as well as increased noise and disturbance.
- (iii) The effects on public highway safety.
- (iv) The implications for flood risk.

Reasons

Character and appearance

3. The proposed one-bed bungalow would form a tandem-style of development in the existing garden to the rear of 17 Bradshaw Lane which is a semi-detached house. The housing on Bradshaw Lane comprises a mix of house styles, types and age including detached, semi-detached and terraced property. There is a reasonably strong building line on both sides of Bradshaw Lane. On the north-western side of Bradshaw Lane, the dwellings (including No 17) have front gardens which provide for off-street parking. Poynton Close is a small estate of recently constructed housing to the rear of the properties on the western side of Bradshaw Lane.
4. An important additional feature is a disused railway embankment which crosses Bradshaw Lane at an oblique (east-west) angle and this would form part of the site boundary to the proposed bungalow. This would leave the appeal site with a long driveway directly alongside the existing dwelling and remaining garden at No 17. The proposed bungalow would be positioned so that the side and rear

elevations, which would include the openings to the habitable rooms, would obliquely face the railway embankment with neither directly facing adjoining properties at 19 Bradshaw Lane or those on Poynton Close. Existing gardens on Bradshaw Lane are not uniform in pattern but are of a reasonable size.

5. As a form of backland development the appeal proposal would be unique to the immediate area. The eaves would exceed the height of the boundary fencing and the roof would be easily visible from the rear elevations and gardens of nearby properties. In this sense the bungalow would appear as an incongruous addition out of keeping with the grain comprising the rear gardens of all the dwellings on Bradshaw Lane and Poynton Close.
6. While the bungalow itself would not be easily visible from Bradshaw Lane, there would be a discernible change as the new driveway would result in the transfer of 2 car parking spaces onto the remaining front garden of No 17 and the resultant widening of the cross-over. In addition, the new driveway, proposed new parking space and turning space for the bungalow would take-up around half the site area. I consider that would result in a harmful effect through the excessive increase in space used for access/parking coupled with a loss of garden and boundary fencing.
7. Taking these factors together, I consider that the proposed bungalow would appear as a cramped form of development out-of-keeping with the area and achievable only through an excessive subdivision of No 17. This would be apparent by comparing the proposed sub-division of the garden of No 17 with those of other nearby dwellings.
8. To conclude on this main issue the appeal proposal would represent an over-development of the site which would be harmful to the character and appearance of the locality, both from its effect on the garden spaces to the rear of properties on both Bradshaw Lane and Poynton Close, but also as viewed from the street-scene. As such, I consider that the proposal does not represent good quality design and would be contrary to the provisions of the Warrington Borough Local Plan Core Strategy 2014 (CS) including, Policy CS1 which seeks high standards of design which have regard to local distinctiveness and, Policy QE7 which seeks to reinforce local distinctiveness and enhance the character, appearance and function of the street scene, local area and wider townscape. The approach to design in the CS resonates with that in the Government's National Policy Framework (the Framework) including, paragraph 127.

Living conditions

9. The location of the new bungalow would have its most significant impact on the outlook to the rear of Nos 15, 17 and 19 Bradshaw Lane, as well as the two closest properties in Poynton Close. The proximity of the bungalow would be over-bearing, result in a loss of privacy and some overshadowing (especially to No 15). It would also lead to an increase in the paraphernalia associated with the new dwelling including noise and light disturbance arising from the parking and turning of vehicles in the area currently forming part of the rear garden. The roof of the proposed bungalow would also include a rooflight which would be visible during darkness into the rear garden area. These features would be alien to the context.
10. I conclude on this main issue that the appeal proposal would be harmful to the living conditions of existing and future occupants of No 17 Bradshaw Lane and

neighbouring properties due to its over-bearing nature, loss of privacy, overshadowing (especially to No 15) and the increase in noise and disturbance from the parking and turning of vehicles. These adverse effects are a result of the over-development of this small site. As such the proposal would conflict with Policy QE6 of the CS which only supports new development that respects the living conditions of neighbouring residential properties. I am satisfied the approach in the CS is consistent with Government policy set out in the Framework at paragraph 127.

Public highway safety

11. The appellant has gone to considerable lengths to provide parking for the new bungalow which he considers would be policy compliant, by enabling a vehicle to turn on-site and then re-enter the highway in a forward direction. The appellant has also suggested the situation is comparable with the approved redevelopment at Nos 11 and 13. Notwithstanding this point, I note that the Highways Authority are not satisfied that there would be sufficient space to turn on-site. The Highway Authority also point out that the space for the displaced parking is barely to the required standard. There are also concerns over visibility.
12. I accept that the increase in vehicle movements associated with a single new dwelling would be small. However, the limited space for parking and turning on-site would be likely to lead instead to a car (or cars) being parked on the long, narrow driveway of the new dwelling. In addition, the consequential requirement to displace 2 existing car parking spaces serving No 17 would lead also to a loss of on-street parking opportunities. Therefore, visitors to the new dwelling would most likely park on the new driveway requiring a reversing manoeuvre to leave the site. While I accept that cars already reverse onto Bradshaw Lane from No 17, any increase in this type of manoeuvre would be best avoided. This is because of the location of the appeal site directly opposite the junction with Ollerton Close coupled with some restriction to visibility which would add to the risks to safety in undertaking such reversing manoeuvres. The displaced parking spaces at No 17 would not meet the required dimensions of the Highway Authority thus further illustrating the compromises that would have to be made to accommodate the new bungalow.
13. I conclude that in respect of public highway safety the proposals would not be acceptable since they fail to satisfactorily make provision for the adequate facilities for the parking of vehicles on-site and would likely increase the number of reversing manoeuvres from the site onto Bradshaw Lane in the vicinity of its junction with Ollerton Close. As such, the proposals would not comply with the requirements of Policy QE6 of the CS which seeks to provide safe vehicle access and parking as part of the design of new development.

Flood risk

14. The appeal site falls within Flood Zone 2. As such, the proposed new dwelling would be considered to be a vulnerable development and both CS Policy BE4 and paragraph 163 of the Framework require the production of a site-specific flood risk assessment. It is also necessary that such an assessment should also include a sequential test. The purpose of the sequential test is to demonstrate that there are no other sites reasonably available elsewhere which could accommodate the development. The appellant has not provided the necessary information to demonstrate either that the risk of flooding has been

satisfactorily addressed or that there are no suitable alternative sites available elsewhere for the type of development proposed.

15. In these circumstances I conclude that the appellant has failed to assess flood risk in the required manner, thus failing to demonstrate that the proposed development would be safe from flooding or that the risk of flooding elsewhere would not increase.
16. Accordingly, the proposed development is contrary to the provisions of Policy BE4 of the CS which, along with paragraph 163 of the Framework aim to ensure that the risks of flooding have been taken fully into account in the consideration of development proposals.

Other Matters

17. The parties agree that the Council cannot demonstrate a 5-year supply of housing land. Consequently, NPPF paragraph 11 is engaged as the relevant policies of the development plan for the supply of housing cannot be considered to be up-to-date. However, in the case of this proposal, I have found that it has not been demonstrated that the proposed development would be safe from flooding or that the risk of flooding elsewhere would not increase. This means that under NPPF paragraph 11d), i, the application of NPPF paragraph 155 is a policy in the Framework that provides a clear reason for refusing the development proposed. Therefore, whether or not a 5-year housing land supply can be demonstrated is not determinative in this appeal and the presumption at paragraph 11d) does not apply.

Conclusion

18. There are no considerations before me of sufficient weight to outweigh the totality of the harm arising nor the conflict with the development plan as a whole. For the reasons given above, I conclude the appeal should be dismissed.

David Carter

INSPECTOR