
Appeal Decision

Site visit made on 18 March 2020

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/M0655/C/19/3236915

338 Manchester Road, Woolston, Warrington, Cheshire WA1 4PU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Smyth against an enforcement notice issued by Warrington Borough Council.
 - The enforcement notice was issued on 13 August 2019.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a greenhouse at first floor level with associated screening enclosure with supporting frames, fencing and external staircase.
 - The requirements of the notice are to remove the greenhouse and associated screening enclosure, supporting frames, fencing and external staircase.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. The prescribed fees have been paid within the specified period. Hence the application for planning permission deemed to have been made under section 177(5) of the Act, as amended, falls to be considered.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on Ground (a) and the Deemed Application

2. The appellant has made an appeal on ground (a) – that planning permission ought to be granted for the matters alleged in the notice.
3. The main issues are:-
 - The effect of the development on the character and appearance of the area, and
 - The effect of the development on the living conditions of occupiers of Nos. 336 and 338a Manchester Road, with regards to privacy and outlook.

Character and appearance

4. The appeal property is a two storey semi-detached dwelling which has been extended over time including a single storey rear extension. It sits in a row of detached and semi-detached properties of a mix of designs and ages. There is a courtyard garden and outbuildings at the rear.

5. On part of the flat roof of the single storey rear extension a greenhouse has been erected. A metal staircase has been erected from the courtyard to give access to the roof and greenhouse. A metal supporting frame has been erected to which timber 'hit and miss' fencing has been attached along the side boundaries facing Nos. 336 and 338a Manchester Road. Metal railings have also been erected along the front edge of the roof, to which tall bamboo screening has been attached.
6. From my site visit I did not see any other first floor rear extensions or such elevated structures. The greenhouse and associated screening enclosure, supporting frames and fencing are formed of a mixture of materials that do not harmonise with the existing property. Whilst relatively temporary in form and construction, and it cannot be seen from the road, the development in its elevated position is nonetheless a visually incongruous and discordant feature in relation to both the host dwelling and the neighbouring properties.
7. I therefore find the development harms the character and appearance of the area. Accordingly the proposal is contrary to Policy QE7 of the Warrington Local Plan Core Strategy (the 'Core Strategy'), which seeks, amongst other things, to ensure that development harmonises with existing and adjacent buildings.

Living conditions

8. The greenhouse has been constructed from opaque corrugated sheeting. On my visit, when inside the greenhouse, clear views out of it were limited and there is no substantive overlooking into the adjacent bathroom and bedroom windows of No.336 or the adjacent property No.338 due to the timber fencing that has been erected along the shared boundaries.
9. There is limited space to stand or sit on the roof, due to the greenhouse itself and the upward-projecting rooflights. However, when the greenhouse door is open and when standing at the top of the stairs I was able to look down into and across the adjacent rear gardens. The bamboo screens erected along the front of the structure did little to mitigate against this because of the gap at the top of the staircase to allow access and because of their lightweight and see-through nature. People in the rear gardens of Nos.336 and 338a would experience a sense of being overlooked, due to the elevated nature and the potentially regular use of the staircase to access the greenhouse. I therefore find the proposal reduces the privacy of occupiers of the adjacent properties and harms their living conditions.
10. With regards outlook, I stood in both the bathroom and rear bedroom of No.336. The bathroom window is the closest to the timber boundary fence. However, the window is obscure glazed and a bathroom is not a habitable room. I find there would be no significant harm to the outlook from this window even when open, as was demonstrated to me on the site visit. From the rear bedroom window the timber boundary fence can be seen to the side. However, because of the separation distance between the boundary and this window, the greenhouse structure and timber fencing does not create an unduly oppressive living environment for existing occupiers of that room. Hence, I find there is no harm to the outlook of occupiers of No.336.
11. At the request of the Council I also visited No.338. This property is set some distance away from the elevated screen fencing due to the intervening garage. Although the structure and timber fencing is elevated and visible it does not, in

my view, create an unduly oppressive living environment for rooms or the garden for existing occupiers.

12. To conclude on living conditions, I find there is no harm to the outlook of existing occupiers of neighbouring properties. However, I find there is harm to the living conditions of occupiers of Nos.336 and 338a with regard to privacy. Accordingly the proposal conflicts with Policy QE6 of the Core Strategy, which seeks, amongst other things, to ensure that development does not have an adverse impact on the amenity of those currently occupying adjoining properties.

Other matters

13. I acknowledge that the appellant has had consideration for his neighbours by replacing a dilapidated structure that caused some damage to a neighbouring property and I have been provided with a copy of an insurance claim letter. However, I have not been presented with any details of the previous structure. Nonetheless, I must consider the planning merits of the development proposal before me.
14. Third parties have raised a number of other concerns including the safety of the structure, it's method of fixing to the flat roof and the issues of possible water ingress. In light of the reasons for serving the enforcement notice and my findings on the main issues, there is no need for me to address them in the current decision.

Conclusion

15. Whilst I have found no harm with regards to outlook, this does not outweigh the harm I have identified with regards to the character and appearance of the area and to privacy. I conclude that the proposed development would not accord with the development plan and there are no other considerations which outweigh this finding.
16. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

K Stephens

INSPECTOR