
Appeal Decision

Site visit made on 11 March 2020

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2020

Appeal Ref: APP/M0655/D/20/3245335

27, Oughtrington Crescent, Lymm, Warrington WA13 9JD

- 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 and Mrs Sue Picton against the decision of Warrington Borough Council.
 - The application Ref 2019/35550, dated 2 August 2019, was refused by notice dated 23 December 2019.
 - The development proposed is described as 'alterations to existing single store extension and conservatory, construction of extension to first floor'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The above description of development as set out in the application form excludes any reference to a porch. A porch is shown on the submitted drawings and is also referred to in both the Council's decision notice and in the appellants' questionnaire. I note that the Council has raised no objections to this porch, and from the evidence before me, I have no reasons to disagree. I consider the appeal on that basis.
3. The decision notice does not cite specific local plan policies in its reasons for refusal, but the Council has included these in its evidence and the opportunity has been provided for the appellants to comment accordingly. I consider the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposed first floor extension and associated alterations at ground floor level upon:
 - The living conditions of the occupiers of No 25, Oughtrington Crescent, with particular regard to whether or not any overshadowing, loss of natural light or outlook would occur; and
 - On-street parking and possible issues of road safety.

Reasons

Living Conditions

5. The host property is bounded on either side by dwellings. No 29 is the semi-detached partner of the appeal property, whereas, No 25 has a main entrance door, kitchen, conservatory and three first floor bedroom windows on the side elevation which faces directly towards the appeal site.
6. The proposed bedroom extension would represent an increase in the depth of the existing side elevation of the host dwelling at first floor level, above part of an existing ground floor extension. Whilst the appellants have stated that the Council did not raise objection to the alterations proposed at ground floor level, the decision notice does include reference to those elements insofar as they relate to No 25. Indeed, the proposed reconfiguration of the remaining part of the roof of the existing rear ground floor extension would further increase the height and expanse of vertical wall surface directly facing No 25.
7. It has been submitted that the proposal would give rise to overshadowing and loss of natural light to habitable rooms in No 25. However, in this instance, no technical evidence has been advanced by any party to substantiate their position. Nevertheless, given the scale of the proposal, the proximity to habitable room windows and orientation of properties, this is a potentially relevant consideration to a scheme such as this. My assessment is therefore necessarily based upon the relevant site characteristics as noted at my inspection.
8. I find that the proposal, by virtue of its height, projection, positioning and proximity to the kitchen and bedroom windows of No 25, would cause further overshadowing and therefore a reduction in sunlight to those habitable rooms for a greater part of the day than currently exists. For the same reasons the proposal would also result in a reduction in daylight, particularly in relation to the kitchen of No 25. Consequently, the proposal would be harmful to the living conditions of No 25 in these regards.
9. Despite the existing common boundary enclosure, the increased size and scale of the extension would be directly visible from the windows serving the kitchen and two of the bedrooms of No 25. The effect of this upon outlook would be exacerbated by the close proximity and orientation of the two properties and the differences in respective ground levels; the appeal site being the higher of the two. The resulting relationship would cause an overly domineering effect that would be harmful to the living conditions of the occupiers of No 25, in terms of outlook from the habitable room windows serving the kitchen and two of the bedrooms of that dwelling. The relationship with the conservatory windows is such that the appeal proposal would not be unduly harmful to that room.
10. The appellants have disputed the significance of these neighbouring windows. As they serve habitable rooms, I find their contribution to the living conditions of the occupants of No 25 to be significant. Contrary to the appellants' argument, the presence of a second window to one of the bedrooms does not mitigate or justify the identified harm to sunlight, daylight and outlook.
11. The appellants have stated that they could implement a Lawful Development Certificate, ref: 2019/34594, for a 2 storey rear extension of a similar

projection to the first floor element of the appeal proposal. Attention is also drawn to the potential to retain the existing single storey rear extension. However, no evidence has been advanced which provides certainty over the appellants' future course of action in respect to the implementation of the Lawful Development Certificate.

12. Furthermore, the appellants maintain the only differences between the appeal proposal and the other courses of action that they have presented are the small infill areas at ground floor level and the positioning of the appeal proposal some 190mm closer to the common boundary with No 25. However, the reality is that these are alternative development schemes and do not co-exist as one composite proposal.
13. In comparison with the retention of the existing composition of No 27, insofar as it relates to No 25, the appeal proposal would result in an increase of the existing extension from a single storey scale to a 2 storey scale along a significant part of its length. Additionally, the proposed alterations to the existing ground floor roof plane would give rise to a greater amount of vertical wall surface visible to No 25.
14. In comparison with the Lawful Development Certificate scheme, insofar as it relates to No 25, the side elevation of the appeal proposal would be slightly closer to a fenestrated elevation. At the same time, the appeal proposal would project out significantly further from the original rear elevation of No 27, at ground floor level.
15. Whilst reference is made to the fallback positions of the existing extension and the Lawful Development Certificate proposal, should that be implemented, those circumstances are materially different to the appeal proposal. Relative to either of these alternatives, the appeal proposal would result in a significant increase in the size and scale of the appeal dwelling within close proximity to existing habitable room windows of No 25. The appeal proposal would be more harmful to the living conditions of the occupants of No 25 for the reasons identified above.
16. Policy CC1 of the Warrington Borough Council Local Plan Core Strategy (July 2014) allows for development within this Green Belt 'inset' settlement providing the proposal is sustainable and accords with Policy CS1. The need to safeguard residential amenity is specified in Policy CS1. In light of the identified harm to living conditions, the proposal conflicts with these local plan policies. Furthermore, the proposal does not accord with the relevant principles set out in the Warrington Unitary Development Plan -Supplementary Planning Guidance- House Extensions (2016).

Road Safety

17. I find that an increase in bedroom numbers would have the potential to increase the demand for parking to serve the appeal property. This increase in demand would have no option but to spill onto Oughtrington Crescent, a main vehicular route, and within the vicinity of a signalised junction. An existing reliance upon on-street car parking which reduces the available width of highway for users was observed. The appeal proposal, by increasing demand for on-street parking would also impede the free and safe movement of both vehicles and pedestrians in the vicinity of the site and would thereby be harmful to safety.

18. The Warrington Borough Council Standards For Parking In New Development (March 2015) document requires the provision of an additional off street parking space to serve the appeal dwelling. The absence of further off-street parking conflicts with these parking requirements.
19. Notwithstanding a comparable impact which might arise from the works set out in the Lawful Development Certificate, should that be implemented, the appeal scheme would still in itself increase the demand for parking, and this would not be catered for on site. Consequently, for the reasons given above, the further demand for on-street car parking that would arise from the appeal proposal would be detrimental to road safety.
20. This harm, in turn, would be contrary to Policy CC1, Policy CS1, Policy QE6 and Policy QE7 of the Council's Local Plan Core Strategy. Policy CC1 lends support to sustainable developments which accord with Policy CS1 requirements. Policy CS1 seeks, amongst other things, to deliver high standards of public safety. Policy QE6 seeks to ensure that developments do not have an adverse impact upon highway safety in terms of the effect and timing of traffic movement to, from and within the site and car parking. Policy QE7 seeks to ensure that proposals are designed to create safe environments.

Other Matters

21. The appellants have stated that the requirement for planning permission for the appeal proposal is a technicality which penalises them and the appeal proposal would only have marginal differences and effects to what can be lawfully retained or implemented. This appeal relates to a development which requires planning permission and I have found that the proposal before me is materially different and more harmful than the alternatives presented by the appellants. I have noted the appellants' personal circumstances. However, as presented, I am unconvinced that these would justify the imposition of the harm that I have identified.
22. The appellants have also made reference to an extension at a similar property, No 33, Oughtrington Crescent. I observed that particular extension is of a lesser scale and has a different juxtaposition with the neighbouring property. It is therefore not comparable to the appeal proposal.
23. Although the appellants have advanced reasons why they believe that the proposal represents sustainable development and is compliant with the relevant local plan policies, it remains that I have found harm to both living conditions and road safety, and that the proposal is contrary to the development plan as a whole.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

C Dillon

INSPECTOR