



Appeal Decision

Site visit made on 10 June 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2020

Appeal Ref: APP/M0655/D/20/3245161

18 Acton Road, Burtonwood, Warrington, Cheshire WA5 4HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Craig Rimmer against the decision of Warrington Borough Council.
 - The application Ref 2019/36111, dated 11 November 2019, was refused by notice dated 13 January 2020.
 - The development proposed is described as 'Single storey rear extension to semi-detached two storey dwelling. Proposed extension - Dual pitch roof & piked gable to rear; 4500 mm wide x 4500mm deep; Eaves height of 2300mm & ridge height of 3500mm; Masonry brick finish to match existing; Slate tile finish to roof to match existing; Windows, doors, fascias, gutters & RWP - UPVC to match existing; Side gable will be site 150 mm from shared boundary with number 16 Acton Rd'.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of the GPDO for a single storey rear extension, measuring 4.5m out from the rear wall, maximum height of 3.5m & 2.3m at eaves at 18 Acton Road, Burtonwood, Warrington WA5 4HT in accordance with the application Ref 2019/36111 made on 11 November 2019, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2), and subject to the following condition:

1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order amending or revoking and re-enacting that Order with or without modification), no windows or openings other than as shown on the approved details pursuant to paragraph A.4 (11)(a) of that Order, supporting drawings (Proposed GF Layouts v2 and Proposed Neighbour Side Elevation), shall be installed or created in the side elevation of the development facing No 16 Acton Road hereby permitted.

Procedural Matters

2. The description of the development in the banner heading above is taken from the application form. However, in my decision, I have taken the description of the development from the Council's decision notice and appeal form, since this more accurately and succinctly describes the proposal.
3. The provisions of the GPDO, under Article 3 (1) and Schedule 2, Part 1, Class A, Paragraph A.4 (7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. As an

objection was received from the occupier of No 16, the prior approval of the local planning authority was required as to the impact of appeal proposal on the amenity of any adjoining premises.

4. I note that in this case, and as identified by the appellant, the Council has considered other matters than are prescribed in the GPDO in its decision. My determination of this appeal has been made on the basis of the requirements of the GPDO, as set out above.

Main Issue

5. Therefore, the main issue of this appeal is the effect of the proposed development on the living conditions of neighbouring occupiers, particularly those at No 16.

Reasons

6. The host dwelling is a semi-detached house, within a suburban residential area. When viewing the rear elevation of the host dwelling from the rear garden, it adjoins No 16 to the left. Both properties are on similar levels and on the shared boundary between the houses, the rear garden areas are bounded by fencing comprising concrete posts/panels with closed boarded wooden infill panels. Currently adjacent to this shared boundary is a flat roof single storey extension (the existing extension) on the rear elevation of the host dwelling, comprising the kitchen.
7. The proposed extension would comply with the requirements of Schedule 2, Part 1, Class A, Paragraph A.1 (g) in terms of maximum height and depth. It would extend some 4.5 metres from the original rear elevation of the building, and would have a central ridgeline height of some 3.5 metres, with eaves height of some 2.3 metres.
8. The design of the proposed extension is different to that of the existing extension, which has a projection of some 2.6 metres. The central ridgeline of the proposed development will be taller than the existing extension, but I am informed that eaves height will be lower than the existing extension. I note that it is the intention of the appellant to replace some of the existing fencing on the shared boundary with No 16, using the gable of the proposed development instead.
9. I note the guidance contained in the Council's House Extension Guidelines Supplementary Planning Guidance 2003 (SPG 2) regarding the application of the 45 Degree Code. This guidance confirms that non-habitable rooms such as kitchens, bathrooms and hallways will not be protected by this Code, excepting where kitchens are clearly used as kitchen/dining rooms. On the evidence before me and from the findings during my visit, I do not consider that any such exceptions exist.
10. Therefore, although the proposed development would breach the 45 degree line of the nearest ground floor window, reducing the outlook somewhat, it would not serve a habitable room. Furthermore, the current outlook is limited to some extent by the boundary fence and the existing extension. In any event, and for these reasons, the reduced outlook would not, in my view, be significant. As a single storey extension, the proposal would not affect outlook from the rear first floor windows or create an overbearing sense of enclosure to the occupiers of No 16.

11. The occupiers of No 16 have raised concerns surrounding the effect on the amount of light received to their kitchen windows from the proposed development. I note the orientation of both the host dwelling and No 16, and that the rear elevations of these properties both face a northerly direction. Thus, the northerly facing rear elevation of No 16 and its rear garden does not suggest that a loss of direct sunlight as a result from the proposed development would be significant. Furthermore, no substantive evidence has been presented that the proposed development would create harmful overshadowing or loss of light.
12. Taking all of the above into account, I conclude that the proposal would not materially harm the living conditions of any neighbouring occupiers, particularly those at No 16. Therefore, the development does not conflict with the living condition and amenity aims of Policies CS1, QE6 and QE7 of the Warrington Borough Council Local Plan Core Strategy 2014 or the guidance contained in SPG 2. Accordingly, the development proposal is not contrary with the requirements of the National Planning Policy Framework (the Framework).

Conditions

13. Certain requirements of development as is proposed here are already set out in legislation and it is therefore unnecessary to repeat them in conditions; GPDO paragraph A.4(11)(a) in particular specifies that the development must be carried out in accordance with the approved details (which in this case are shown principally on drawings). Nevertheless paragraph A.4(12) allows for the imposition of conditions which are 'reasonably related to the impact of the proposed development on the amenity of any adjoining premises'. The Council have not proposed any additional conditions in its Questionnaire, but I find that in this respect an additional condition is necessary.
14. Whist I have reasoned above that the proposal would not give rise to unacceptable effects to the amenity of neighbouring occupiers, particularly those present at No 16, I consider that a condition is clearly reasonable and necessary to prevent unacceptable loss of privacy to neighbouring properties by consequence of the potential installation of windows within the side elevation of the scheme facing No 16. In imposing this condition, I have had regard to the relevant provisions of the Framework, Planning Practice Guidance and of statute.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

W Johnson

INSPECTOR