



Appeal Decisions

Site visit made on 4 August 2020

by Debbie Moore BSc (HONS), MCD, MRTPI, PGDip

an Inspector appointed by the Secretary of State

Decision date: 13 August 2020

Appeal A: APP/M0655/C/20/3249196

14 Windscale Road, Poulton-With-Fearnhead, Warrington WA2 0PU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr David Pike against an enforcement notice issued by Warrington Borough Council.
- The enforcement notice was issued on 13 February 2020.
- The breach of planning control as alleged in the notice is without planning permission, the construction of a two storey side extension.
- The requirements of the notice are to remove the side extension.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the 1990 Act as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision.

Appeal B: APP/M0655/W/20/3249716

14 Windscale Road, Poulton-With-Fearnhead, Warrington WA2 0PU

- The appeal is made under section 78 of the 1990 Act as amended against a refusal to grant planning permission.
- The appeal is made by Mr David Pike against the decision of Warrington Borough Council.
- The application Ref 2019/35113, dated 1 April 2019, was refused by notice dated 6 February 2020.
- The development proposed is a two storey side extension.

Summary of Decision: The appeal is dismissed.

Appeal A on ground (a) and the deemed planning application; Appeal B

Background and Main Issue

1. The terms of the deemed planning application are derived from the allegation in the enforcement notice, which is the same as the description of development in the original planning application. Hence, planning permission is sought for a two-storey side extension. I saw that a side extension is under construction but work had ceased at the time of my visit. I have therefore considered the proposal on the basis of the plans submitted, as follows: proposed front, side and rear elevations; proposed first floor and the site plan including the ground floor plan.
2. The main issue is the effect of the development on the character and appearance of the host dwelling and the street scene.

Reasons

3. The appeal property is a semi-detached house located within a residential area, characterised by similar development. No 14 is sited towards the end of a cul-de-sac and it occupies a corner plot.
4. The proposed development would extend up to the ridge height and would be flush with the original front and rear walls of the host property. There would be a small window in the first floor of the side gable, but otherwise this wall would be blank. The Council states that the extension would measure 4.3 metres in width which, according to the appellant, leaves a minimum of 2.42 metres to the side pavement.
5. The Council's adopted Supplementary Planning Document: House Extensions Guidelines (2003) provides specific advice for side extensions on corner plots. The criteria specify that corner extensions should not project beyond the front elevations of properties on adjacent roads; should not be more prominent in the street scene than the existing property; the width of the extension should not be more than half the width of the original frontage of the host property and the width of the extension should not be more than half the width of the garden between the property and the adjacent highway. The proposed extension would not accord with these criteria due its size and scale and so it would be contrary to the adopted guidelines. However, there are circumstances where guidelines can be contravened without detriment to character and appearance. I have focussed on the likely harm resulting from the development as opposed to making a planning judgement based solely on its dimensions.
6. The property is prominently located due to its corner plot. The detached house at the rear is sited slightly further forward and, due to the estate layout, there is no strong building line along the adjacent road. Nonetheless, the extension as proposed would be obtrusive in the street scene. It would be a relatively large addition when compared with the size and scale of the host property and the prevailing type of development. The extension would intrude into views around the corner, particularly when seen from the head of the cul-de-sac. Also, the limited windows and lack of other design features on the gable wall would result in a stark and dominant appearance that would not complement the host property. In views from the front, the extension would unbalance the pair of semi-detached houses again due to its comparative size and scale. Overall, the semis would appear as a terraced group and the extension could not be considered subordinate.
7. I note that planning permission was granted in or around 2007 for a single-storey side extension of a similar depth to that proposed (Ref 2007/11742). There is no evidence to show that this permission remains extant, therefore, the approval carries limited weight as a fall-back position. The relevant decision and approved plans are not before me, so I am unable to make a reliable comparison between that extension and the development proposed. Similarly, the appellant refers to an approval for a "double extension", which was apparently approved on appeal (application Ref 2010/16121). Such an approval may carry due weight in my consideration of these appeals but the details are not provided. I cannot make a judgement on this consideration with the necessary level of scrutiny.

8. The appellant further claims that there are other properties on the estate with similar development. These examples have not been clearly provided and I did not see any other comparable extensions during my site visit.
9. I understand that a boundary fence and conifers existed prior to the development. However, the previous boundary treatment is not akin to a two-storey extension.
10. The appellant has offered a single-storey extension as an alternative to the two-storey development proposed. A plan has been provided, "proposed front elevation with single-storey", which I have considered. This shows a structure of the same width as that proposed but with a hipped roof. Although this alternative would have less of an impact, it would still appear out-of-place in the street scene due to the extent of the projection. Moreover, the extension and roof have not been designed as a coherent whole and this is evident from the design. The roof would have to span the width of the extension and it would appear cumbersome, despite the proposed hipped profile. In addition, the roof design would be uncharacteristic as it would not reflect the host dwelling. It is explained that a new fence and landscaping would be provided, which would be similar to that removed, but this would not provide adequate screening for the extension proposed. I find that a single-storey extension would not be an acceptable alternative.

Other matters

11. The appellant has set out his concerns about the way the planning application was handled. This matter is a procedural complaint between the appellant and the Council. While I understand the frustration, it is not appropriate for me to comment in the context of these appeals. I cannot give this matter any weight in the planning balance of the appeals.

Conclusion

12. I conclude on this matter that the development would have an adverse effect on the character and appearance of the host dwelling and the street scene. It would not accord with Policies QE6 and QE7 of the Warrington Local Plan Core Strategy (2014) and the Council's Supplementary Planning Documents: Design and Construction (2010) and House Extensions (2003). In combination, the policies and guidance seek to promote high quality development that harmonises with the scale and proportions of existing buildings, while also resisting development that has an unacceptable impact on the surrounding area.

Appeal A on ground (f)

13. It is clear from the way the enforcement notice is drafted that its purpose is to remedy the breach of planning control. What must be considered under the ground (f) appeal is whether the steps required by the notice exceed what is necessary to achieve that purpose.
14. In this case, an extension has been erected without the necessary permission and it constitutes a breach of planning control. This breach can only be remedied by the removal of the unauthorised structure, as required by the notice. Therefore, this requirement is not excessive to achieve the statutory purpose behind the notice and the appeal on ground (f) must fail.

15. Under section 177(1)(a) of the 1990 Act as amended, I have powers to grant planning permission for whole or part of the matters alleged. Therefore, I have considered the alternative single-storey extension under ground (a) and the deemed planning application. However, I found this lesser proposal would be contrary to development plan policy and so planning permission could not be granted.

Conclusion

16. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decisions

17. Appeal A: 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.
18. Appeal B: The appeal is dismissed.

Debbie Moore

Inspector