



Appeal Decision

Site visit made on 4 August 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2020

Appeal Ref: APP/M0655/D/20/3249549

126 Park Road, Warrington WA5 3HQ

- 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 Ian Jones against the decision of Warrington Borough Council.
 - The application Ref 2019/34804, dated 26 May 2019, was refused by notice dated 31 January 2020.
 - The development proposed is described as: 'Ground and first floor side extension with garden room to the rear of the property. Ground floor kitchen extension with utility room and toilet and half garage. 1st floor bedroom and shower room. Small garden room to the rear off already existing dining room'.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a ground and first floor side extension with a single storey garden room to the rear of the property at 126 Park Road, Warrington WA5 3HQ in accordance with the terms of the application, Ref 2019/34804 dated 26 May 2019, subject to the conditions set out below:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 1.04A; 1.05B; 1.06A; 1.07C; 1.08A; 1.09A and 1.10A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/openings shall be constructed on the side elevations of the proposed development facing No's 124 and 128 Park Road.

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. Whilst the Council have not cited the House Extensions Guidelines 2 Supplementary Planning Document 2003 (SPG) on its decision notice, it did

refer to the SPG in the Officer Report. I will therefore not prejudice any party when taking the SPG into account during the determination of this appeal.

4. It is common ground between the main parties that the proposed single storey garden room adjacent to the adjoining property is acceptable. On the evidence before me, I have little reason to disagree with the Council's observations in regard to this element of the proposed development. Additionally, A first-floor bedroom was removed from the side extension during the course of the assessment of the planning application. Therefore, I will consider the side extension as a single storey development, in line with the Council's decision notice. I have dealt with the appeal on this basis.

Main Issues

5. The main issues of this appeal are the effect of the proposed development on:
 - the living conditions of the occupiers of No 124 Park Road; and,
 - the character and appearance of the appeal site and surrounding area.

Reasons

Living conditions

6. The host dwelling is a dormer styled semi-detached property, within a small group of similar designed houses. When viewing the host dwelling from the front, No 124, the adjacent property, is located to the left. The proposed side extension would be located on of the gable end of the host dwelling, where the existing single storey garage is located.
7. The side elevation of the side extension would face the gable of No 124 where 2no. windows are located, with one at ground floor (the ground floor window) and one at first floor. The first floor window is obscure glazed and would appear to serve the landing of No 124, but the ground floor window is clear glazed. I am informed by the Council and the occupiers of No 124 that the ground floor window serves a kitchen. However, the occupiers of No 124 contend that the ground floor window serves a kitchen with dining area.
8. The Officer Report advises that a site visit was undertaken, and the site was viewed from within No 124, where the Officer considered the room served by the ground floor window to comprise a 'galley' style of kitchen with no dining space or dining table or facility to sit and eat meals. The Officer Report further advises that the ground floor window in the side elevation of No 124 is located above the sink area of the kitchen. The observations by the Council Officer have not been disputed by the occupiers of No 124. Therefore, I consider the Council Officer's assessment of the kitchen area at No 124 to be highly likely, especially given my own findings from the site visit. I also noted that the host dwelling is of a similar design to No 124, with a 'galley' styled kitchen present, served by a ground floor side window over its sink area too.
9. The guidance in the SPG advises that non-habitable rooms such as kitchens, bathrooms and hallways will not be protected by the 45 Degree Code, except where kitchens are clearly used as kitchen/dining rooms. On the evidence before me and in the absence of any substantive evidence to the contrary, I consider that the ground floor window at No 124 serves a non-habitable room. Thus, given the distance maintained from the ground floor window at No 124

from the proposed development and the non-habitable status of the room which it serves, I do not find any significant harm would occur to the living conditions of the occupiers of No 124, with particular regard to dominance or having an overbearing effect. Additionally, I noted the door connecting the kitchen to the rear conservatory, which I consider does provide an additional source of light into the kitchen area, and given the orientation of No 124, I consider that its occupiers would still receive a sufficient amount of sun/daylight when the proposed development has been constructed.

10. For all of these reasons, I therefore conclude that the proposed development would not significantly harm the living conditions of the occupiers of No 124. This would accord with the living condition aims of Policy QE6 of the Warrington Borough Council Local Plan Core Strategy 2014 (CS), the SPG and the requirements of the National Planning Policy Framework (the Framework).

Character and appearance

11. The proposed single storey side extension would be set back from the front elevation of the host dwelling by a notable distance, which would in turn provide a marked set down in the ridge line of the proposed development when compared against the existing ridge line. Due to these design features, the proposed development would be subordinate in its appearance to the host dwelling. Additionally, its set back from the existing front elevation of the host property, would provide enough mitigation against any potential terracing effects with No 124.
12. I acknowledge that the front elevation of the single storey side extension would not have any openings. However, given the modest width of the proposed development and its set back from the front elevation of the host dwelling, I do not consider that the resultant visual effect from the proposed development would form a strident feature on the host property or from within the street. A condition regarding proposed materials has been suggested by the Council and on the details before me, I am satisfied that the use of similar external materials during construction, to those present in the host dwelling would ensure that the proposed development would not form an incongruous feature.
13. For all of these reasons, I therefore conclude that the proposed development would not significantly harm the character and appearance of the appeal site or surrounding area. This would accord with the design, character and appearance aims of CS Policy QE7, the SPG and the requirements of the Framework.

Other Matters

14. The occupiers of no 124 have also expressed a wide range of concerns including, but not limited to the following; car parking arrangements and possible encroachment from the proposed development, amongst other things. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand the concern of the neighbouring occupier, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. I have considered this appeal proposal on its own merits and concluded that it would not cause harm for the reasons set out above.

Conditions

15. The Council has suggested conditions which it considers would be appropriate in its submission. I have reviewed these in accordance with the tests set out in the Planning Practice Guidance (PPG) and have amended the wording where necessary in the interests of clarity and simplicity.
16. For certainty, it is necessary that there is a condition requiring that the development is carried out in accordance with the approved plans and that conditions are necessary to ensure the facing materials match those present in the original house. Additionally, it is reasonable and necessary to impose a condition removing certain permitted development rights, for the installation of windows or any other openings in the side elevations of the proposed development to ensure the living conditions of neighbouring occupiers are satisfactorily maintained.
17. An obscure glazing condition has been suggested by the Council on its Questionnaire, but the only glazing on any side elevation of the proposed development are in the form of a set of double doors on the single storey garden room. However, as these doors face the garden area of the host dwelling and are sited some distance away from the shared facing boundary with No 124, I do not consider this suggested condition to be reasonable or necessary.

Conclusion

18. Taking all matters into consideration, I conclude that the appeal should be allowed.

W Johnson

INSPECTOR