



Appeal Decision

Site visit made on 18 August 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2020

Appeal Ref: APP/M0655/W/20/3250840

19B Common Lane, Culcheth, Warrington, Cheshire WA3 4EW

- 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 Mrs Susan Wardle of Savannah 19 Ltd against the decision of Warrington Borough Council.
 - The application Ref 2019/35808, dated 9 September 2019, was refused by notice dated 30 March 2020.
 - The development proposed is described as: 'Temporary outdoor wooden pergola'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity, I have added the name of the appellant in the banner heading above as it is listed on the appeal form and is more precise.
3. At the time of my site visit, I saw that the development was in place at the appeal site and was substantially complete. I have dealt with the appeal on this basis.
4. The appellant considers the development 'temporary'. However, I disagree with this assertion due to the degree of permanence of the development, through its size, construction and method of fixing. Accordingly, it comprises operational development within the meaning of Section 55 of the Town and Country Planning Act 1990.

Main Issues

5. The main issues of this appeal are the effect of the development on:
 - i. the character and appearance of the appeal site and the surrounding area; and,
 - ii. the effective operation of the site in terms of highway safety, with particular regard to servicing, delivery and parking.

Reasons

Character and appearance

6. The development is located to the rear of the host property in a yard area, which is currently used in connection with a range of multiple uses, including,

but not limited to storage, seating, servicing/deliveries and vehicular access to the adjoining property¹.

7. The development sits at the edge of the footway on Jackson Avenue and almost extends to the full width of the access. Either side of the development when viewing the site from Jackson Avenue is concrete post/panels with a closed boarded timber infill panel to the left and low-level metal railings, sited on a small brick wall to the right. The host property is located at first floor with access taken from a set of external steps located off the rear elevation of the main building.
8. The appellant has drawn my attention to the detached structure to the front of the Cherry Tree public house (the public house). However, I find this structure to be different in character and appearance to the development before me due to it being more enclosed, with a solid roof and sited on land to the front of the public house, incorporating the mature tree. Nonetheless, whilst the development on the site may be less enclosed, I do not find that it forms an incongruous feature in its current location.
9. Whilst, the development extends across the site, its single storey height and lightweight structure compliments the character and appearance of the main building. Furthermore, I consider that the additions, such as lighting and artificial 'Ivy' further enhances the appearance of the structure. Additionally, I consider that the development would be further enhanced during the evening when the illumination from the lighting is more noticeable.
10. For the reasons given above, I conclude that the development does not significantly harm the character and appearance of the site or the surrounding area. Consequently, the development accords with the design, character and appearance aims of Policies QE 6, QE 7 of the Warrington Borough Council Local Plan Core Strategy 2014 (CS), and the requirements of the National Planning Policy Framework (the Framework).

Highway safety

11. The entrance to the site is located off Jackson Avenue and opposite a local car park serving the shopping centre. I noted that Jackson Avenue has double yellow lines on both sides of the carriage way that extends from the junction with Common Lane for a notable distance and includes the section of road across the access to the site. Additionally, I noted that Common Lane has single yellow lines restricting parking in the vicinity of the site. Therefore, it is evident to me that the road network surrounding the site has various restrictions in place to prevent on-street parking.
12. At the time of my visit, on a mid-week morning, there were no chairs and tables sited beneath the development. Additionally, I note that the appellant asserts that there is no requirement for large service or delivery vehicles and that the original service management plan was based on estimated requirements prior to the first use and operation of the business. Furthermore, I acknowledge since the business opened it has not been necessary to use vehicles larger than 'transit' style vans for the delivery of stock.
13. I accept that at No 21 Common Lane they are likely to have little or no deliveries to the rear area and that the rear area to No 21 is primarily used to

¹ No 21 Common Lane.

park cars. Additionally, I note that the occupiers of No 21 have withdrawn their original objection to the planning application. I also acknowledge the comments from the appellants surrounding the deliveries to the ground floor restaurant and the use of a side door. Nonetheless, a series of steps down to this door are located off the site where access is obtained from under a small section of the development, where a beer keg was also stored. Overall, I find that there is very little detail surrounding the types or style of delivery vehicle that visit the site, in the case of both the host property and the ground floor restaurant.

14. Even when excluding the possibility of 7.5 tonne vehicles delivering to the site, I cannot be certain that a delivery van could comfortably park beneath the development, given the different body styles and sizes of vehicles on the market. I have considered whether suitably worded conditions could be imposed to ensure that otherwise unacceptable development could be made acceptable, but this is not possible in this instance. Overall, I am far from persuaded that the height restrictions on the site as a direct consequence of the development does not result in delivery/service vehicles parking on the street.
15. In the absence of clear evidence to the contrary, I therefore conclude on this issue that the development has significant harmful effect on highway safety with particular regard to servicing, delivery and parking. Therefore, the development is contrary to the highway safety aims of CS Policies SN 4, MP 1 and the requirements of the Framework.

Other Matter

16. The appellant has advanced in support of her submission that the illuminated area helps to prevent accidents, but this does not outweigh the harm that I have identified in respect of highway safety. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Planning Balance

17. I have found that there is significant harm caused to highway safety. The development does not have a detrimental effect on the character and appearance of the appeal site or surrounding area. However, this matter is of neutral consequence in the overall planning balance. Whilst the development provides some social and economic benefits to the business and its customers, these are relatively limited in extent, and do not significantly and demonstrably outweigh the harm identified. The development is therefore contrary to the development plan when taken as a whole, and there are no other considerations which outweigh this finding. It is also at odds with the requirements of the Framework.

Conclusion

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

W Johnson

INSPECTOR