
Appeal Decision

Site visit made on 4 November 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2020

Appeal Ref: APP/M0655/W/20/3256068

60 Fir Tree Lane, Burtonwood and Westbrook, Warrington WA5 4LN

- 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 G Lewin against the decision of Warrington Borough Council.
 - The application Ref 2020/36980, dated 12 May 2020, was refused by notice dated 3 July 2020.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the occupiers of the detached dwelling in respect of internal living space, outlook and outside amenity space.

Reasons

Character and appearance

3. The appeal property is a semi-detached bungalow positioned on the corner of Fir Tree Lane with Pinewood Road. Most of the properties are set within spacious plots and are set well back from the road. Where side and frontage boundary treatments do exist, they tend to be very low in height thereby emphasising the pleasing sense of spaciousness within the wider street-scene. The sense of open space around main buildings is also particularly apparent in the immediate area owing to the open and undeveloped playing fields which are opposite the junction of Fir Tree Lane with Pinewood Road. Overall, these attributes add positively and distinctively to the character and appearance of the area.
4. I acknowledge that the building line along Pinewood Road has essentially been breached as a result of the erection of a wooden shed to the side of the appeal property. Despite this, the wooden shed is lower in height and not as long as the dwelling on the appeal site and hence it generally appears subordinate in scale. In addition, it would appear that some new wooden boundary fencing has been erected along Pinewood Road and fronting Fir Tree Lane. The former is uncharacteristically higher than other boundary treatment along Pinewood

Road, but nevertheless the evidence indicates that planning permission has been approved for it¹.

5. The proposed dwelling would be erected in the same location as the existing shed and the appellant has drawn to my attention the fact that a certificate of lawful development (LDC) has been granted for the erection of a detached garage on the same part of the site². I have not been provided with drawings relating to the LDC, but the appellant states that the *"proposal would be 0.9 metres higher than the existing permission for the garage"*.
6. The shed and the fencing have undoubtedly changed the appearance of No 60 Fir Tree Lane in so far that the plot now appears more enclosed. Indeed, it is seen in stark contrast to the remainder of the immediate street-scene which is characterised by modest dwellings set within spacious plots and where boundary treatments are very low.
7. Whilst the proposed dwelling would be located in a similar location to the shed, it would be longer and higher. It would be positioned in close proximity to Pinewood Road and when seen above and in conjunction with the solid timber fence, it would have an even more dominating and enclosing impact when viewed by the passer-by. This would be materially at odds with the otherwise prevailing sense of spaciousness that exists in the immediate area.
8. I note there is an LDC for a detached garage on the site. I afford this weight as a material planning consideration. However, there is no persuasive evidence before me that there is a reasonable prospect of such lawful development being implemented. In any event, the evidence is such that this development would not be as high as the appeal dwelling and so it would have a less harmful impact on the aforementioned distinctive and positive characteristics of the area.
9. I therefore conclude that the proposal would have a significantly adverse effect on the character and appearance of the area and hence it would not accord with the design and sustainability requirements of policies CS1, QE6, QE7 and CC1 of the adopted Warrington Local Plan Core Strategy 2014 (CS) and chapter 12 of the National Planning Policy Framework (the Framework).

Living conditions

10. The windows to the proposed kitchen, living room and bedroom would all face towards the approximately 1.8 metre high existing solid wooden boundary fence on Pinewood Road. The dwelling would be extremely close to the said fence thereby unacceptably dominating outlook and leading to an oppressive internal environment for future occupiers.
11. The Council contends that the one bedroom dwelling would be too small and in reaching this view they have referred to minimum space requirements in the Government's Technical Housing Standards - Nationally Described Space Standards 2015 (NDSS). The Council's calculation is that the internal living space for the dwelling would be about 37.72 square metres has not been disputed by the Council. In this case, the plans show that the bedroom would measure 2.4 m x 4.6 m and hence this would be classed as a 'one person bed space' for the purposes of applying the NDSS. In this regard, the NDSS

¹ 2018/33760

² 2018/33849

requires a minimum internal space of 39 square metres, unless the dwelling has a shower room instead of a bathroom, in which case it could be a minimum of 37 square metres.

12. Notwithstanding the above, the NDSS can only be applied if there is a relevant development plan policy. I have not been referred to any such development plan policy. Consequently, the evidence indicates that the NDSS is not relevant to the determination of this appeal. Even if this were not the case, I agree with the appellant that it would be possible to make very minor changes to the proposal so that the dwelling was configured internally in a different way (e.g. the provision of a shower rather than a bathroom) so as to increase the amount of general living space. This would then overcome the Council's concern about non-compliance with the NDSS. However, in this instance such a minor change would not be necessary as the evidence is such that the dwelling would include a reasonable amount of internal space: it would not be cramped or oppressive for future occupants and would include all reasonable facilities and space for day to day living purposes.
13. Concerns are raised by the Council about the size of the proposed garden. The Council has not drawn to my attention to any planning policies relating to acceptable garden sizes. I agree that the land to the side of the dwelling would be narrow and as such would be unlikely to be of any practical use for outdoor exercise, sitting out or drying clothes. However, a one bedroom dwelling is proposed and, as a matter of fact and degree, I consider that there would be a proportionate amount of practical and useable garden space to the rear of the dwelling.
14. I conclude that whilst the proposed garden area would be acceptable in terms of its overall size, and adequate internal space would be provided for occupiers of the dwelling, significant harm would nonetheless be caused to future occupiers of the property as a result of a poor level of outlook from habitable room windows. To this extent, the proposal would not accord with the amenity and sustainability requirements of policies CS1, QE6, and CC1 of the CS and paragraph 127(f) of the Framework.

Conclusion

15. For the reasons outlined above, I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR