



Appeal Decision

Site Visit made on 8 September 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Appeal Ref: APP/M0655/W/20/3254789

98 Rushgreen Road, Lymm, Warrington, WA13 9QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Stephanie Potter against the decision of Warrington Borough Council.
 - The application Ref 2019/35908, dated 2 October 2019, was refused by notice dated 15 June 2020.
 - The development proposed is the creation of a residential dwelling sitting entirely within the residential garden at the back of 98 Rushgreen Road, south of the existing building.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Stephanie Potter against Warrington Borough Council. This application is the subject of a separate Decision.

Procedure Matters

3. The application was submitted in outline. The application form indicates that approval was sought for access, layout and scale, with the matters of appearance and landscaping reserved for future approval. Details of the appearance and landscaping for the proposed dwelling is indicated within the Design, Access and Planning Statement and elevations submitted with the application are for illustrative purposes only but indicate the landscaping and type of housing proposed.
4. The Council have referred to the Supplementary Planning Guidance for House Extension. However, I have not been provided with a copy of this evidence, in any event, this relates to extensions to existing houses unlike the proposal before me which is for a new dwelling. I therefore attach limited weight to this guidance in regard to the proposal.

Main Issues

5. The main issues are (i) the effect of the proposed development on the living conditions of the occupants of No's.98, 100, 102, 104 Rushgreen Road and No.2 Rush Gardens with particular reference to privacy, outlook, noise and disturbance; and (ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Living Conditions

6. Policy QE6 of the Warrington Local Plan Core Strategy, 2014 (CS) sets out the Council, will only support development which would not lead to an adverse impact on the amenity of future occupiers or those currently occupying adjoining or nearby properties. Consideration will be given to the need to respect the living conditions of existing neighbouring residential occupiers and future occupiers of new housing schemes, including overlooking/loss of privacy, outlook, noise and disturbance.
7. The appeal site is garden land which forms part of the property known as No.98 Rushgreen Road (No.98). The proposed dwelling would be positioned towards the rear of the site and sited behind the garden area of No.98. The front elevation would face to the north and any, first-floor windows/openings would directly overlook the rear garden area of No.98. As such this would lead to an unacceptable relationship of privacy between the two properties, causing harm to any existing or future occupier of No.98 utilising the rear garden area.
8. In respect of No's. 100, 102, and 104 Rushgreen Road, due to the rear gardens being narrow and long they are in close proximity to the appeal site. Although there would be no direct window to window views into these properties, the proposed dwelling would be two storey and is likely to have principal windows serving the first-floor. Taking, this into account and the angles in relation to the position of garden areas, there would likely be some overlooking from the first-floor windows into these rear gardens to the detriment of those occupiers privacy.
9. Furthermore, I consider, this would be a worse situation for the occupiers of No.100 Rushgreen Road (No.100) as any windows on the first floor would be able to directly look across with significant views into this garden area and is exacerbated by the proximity of the dwelling being sited directly along the boundary with No.100.
10. The proposed dwelling would have high blank gable walls on both the side elevations which would face the neighbouring properties gardens at No.100 and project beyond the rear elevation of No.2 Rush Gardens (No.2). Due to the scale and siting of the proposed dwelling and the current arrangement of garden areas being limited from any built form along the boundaries it would appear substantially overbearing and create a negative visual prominence, which would be particularly evident when viewed from the garden areas, as such the proposed development would result in an unacceptable impact to the living conditions of the occupiers of those properties.
11. However, given the proximity and siting of the proposals to No's. 98, 102 and 104 Rushgreen Road. I do not consider that the proposed dwelling would appear overbearing when viewed from these properties and rear gardens, therefore not impacting on their outlook or enjoyment of amenity areas. This does not outweigh the other harm I have identified to living conditions.
12. The proposed access road to serve the dwelling would be in close proximity to the boundary with No.2 and their existing openings. I acknowledge, the front of the site has likely been utilised for access and parking, but this does not extend excessively into the site, unlike the proposed access road. In comparison to the

existing use of the site as a garden area and the proposed use of the site for a new and extended access to serve the new dwelling with parking provision, the trip generations would be significantly increased. This would result in the comings and goings being substantially intensified. Therefore, the proposal has the potential to result in harm to the occupier(s) of No.2 as a result of the movement of vehicles, vehicle activities associated with parking/manoeuvrability and even people along the new access, especially in relation to noise and disturbance

13. I acknowledge the comments of the Council's Environmental Protection Officer and recommendations in terms of mitigation for noise. However, it would appear that an appropriate noise assessment would need to be carried out to ensure that adequate noise levels can be achieved in both habitable rooms and outdoor areas. Therefore, in the absence of this evidence, I can not be satisfied that any residential noise from the proposed development would meet these standards and it would not result in a perception of intrusion as a result of the movements and activities alongside the boundary and the proximity of openings.
14. For the reasons given above, I conclude that the proposed development would cause harm to the living conditions of neighbouring properties at No.98, 100, 102, 104 Rushgreen Road, in regard to privacy and No.100 Rushgreen Road and No.2 Rush Gardens, in regard to the overbearing effects. It would be contrary to Policy QE6 of the CS, as set out above.

Character and Appearance

15. The proposals include seeking approval of the layout and scale of the development and appearance is reserved for subsequent approval. The scale of the proposed dwelling would be a substantial two-storey detached dwelling and would be positioned towards the rear of the appeal site. However, within the immediate area there are a mix of dwelling types and a variety of styles and materials. Despite some variation in form, they appreciably contribute to the character and appearance of the area.
16. As I observed at the time of the site visit, those immediate nearby properties at Rush Gardens are large detached dwellings in substantial plots. Despite, the proposed dwelling being positioned with a small gap between the boundaries, I do not consider that the width would be disproportionate within the plot size and the site sections indicate the proposal would be of a similar height to existing nearby properties. As such, the proposal would not be that dissimilar from those detached properties at Rush Gardens, including the scale, height and width, and that they were spread across the individual plot size with side boundaries being limited in width, leaving only small gaps between properties. Therefore, the proposed dwelling would be similar to the characteristics of nearby dwellings in the area.
17. Furthermore, the views would be limited into the site from Rushgreen Road, particularly as the property is sited at the rear of the site and that No.98 would likely obscure views into it, leaving only a small area where the access is positioned to look into the site and view the proposed dwelling.
18. As such, I conclude that the proposed dwelling would not be harmful to the character and appearance of the street scene or wider area. It would comply with Policy QE7 of CS, 2014 which amongst other things, ensures proposals are

high quality, designed to function well in relation to existing patterns of movement and activity, reinforce local distinctiveness, harmonise with the scale, proportions and materials of adjacent and / or existing buildings.

Other Matters

19. I have had regard to the other development that has been drawn to my attention by the appellant, including Tanyard Farm. Whilst the circumstances of that development differ from this appeal proposal in respect of number of dwellings, separation distances and site coverage. These matters do not diminish the concerns I have identified in relation to the proposal in the context of the appeal site nor the harm I have identified in respect of the main issues. In any case, I must consider the appeal on its own merits.
20. I note that local residents have expressed additional concerns about the proposed development, including affordable housing, cycle storage, drainage, flooding, highway safety, parking, sustainability, pollution, climate control, protected species, trees and landscaping. However, the Council did not raise these points as reasons for refusal and I have no substantive evidence to support those concerns. Given my findings in relation to the main issues, it is not necessary to consider these matters in detail.
21. I recognise the appeal proposal would have benefits with regard to the supply of housing in the Borough, provide bio-diversity mitigation, be within a sustainable location and the contribution both construction opportunities and any future occupiers would make to the local economy. I have also found that the proposal would not cause harm to the character and appearance of the area. These matters, however, do not outweigh my findings in respect of the main issue, in regard to the harm to the living conditions of neighbouring occupiers nor the conflict I have found with the development plan read as a whole.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR