



Appeal Decision

Site visit made on 11 May 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2021

Appeal Ref: APP/M0655/W/21/3266280

30 Elm Tree Road, Lymm, Warrington WA13 0NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ed Hampton against the decision of Warrington Borough Council.
 - The application Ref 2020/36691 dated 7 March 2020.
 - The development proposed is two storey side, rear and front extension with single storey side extensions along with a new dropped kerb.
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Decision

1. The appeal is allowed, and planning permission is granted for two storey side, rear and front extension with single storey side extensions along with a new dropped kerb at 30 Elm Tree Road, Lymm, Warrington WA13 0NH in accordance with the terms of the application, Ref 2020/36691 dated 7 March 2020 and subject to conditions in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The appeal has been made against the failure of the Council to give notice of its decision within the prescribed time period. The Council has provided with its appeal submissions a statement, which sets out that, had the Council been in a position to determine the planning application, planning permission would have been refused on the grounds that the proposed development *by reason of its width would not appear subordinate to the existing dwelling. As a consequence, the development would not harmonise visually with the surrounding dwellings.*
4. The main issue is therefore effect of the proposed development upon the character and appearance of the host dwelling and the street scene.

Reasons for the Recommendation

5. No.30 is a detached two-storey dwelling located in a prominent position on a corner plot at the junction of Elm Tree Road and Elm Tree Avenue. The surrounding area is residential and predominantly made up of detached two storey dwellings which are set within generous plots and setback from the

road, most of which have also had extensions and modern remodelling. These houses are in a variety of designs and finish, and thus have a different appearance. There also is no distinctive building line and properties are staggered along the street frontage, with a variety of footprints.

6. Warrington Borough Council's UDP - Supplementary Planning Guidance - House Extensions (2003) requires extensions to be subordinate in scale to the original property by being set back and with a lower roof ridge line. It also requires that the width of the extension should not be more than half the width of the original frontage of the property. However, the SPG represents guidance and not policy and it is important to consider any proposal in its specific context. There will be many instances where the requirement for extensions to be subservient to the original dwelling will be important to ensure that the character and appearance of the area is not harmed. For example, in relation to semi-detached properties in areas where there is a consistency in design so as not to detract from the character of the street or the symmetry between paired properties.
7. In this case, the proposal would represent a complete remodelling of the existing dwelling. The original dwelling is modern and of little architectural merit in terms of its design and, in that context a substantial extension would not automatically cause harm to the character of the area even though it would not be subordinate to the existing dwelling. Given the variety in scale and design already existing on the street, with some properties having had extensive remodelling, the proposal would not be visually harmful or out of place.
8. The proportions of the frontage would be well balanced, including the tall glazed sections which would appear as a contemporary take on the Edwardian villas further along the street. There are numerous other double fronted properties along the road and the style and scale would not be unusual in that context. In fact, the symmetrical proportions would be more in keeping with the traditional properties on the street than the existing dwelling which is devoid of design detail. I recognise that the proposal would develop much more of the plot than the existing dwelling. Nonetheless, the scale would taper down at each side, and sufficient garden space would be left to avoid a cramped or overdeveloped feel. Overall, it would be of a contemporary design which would be attractive and enhance the quality of the street.
9. I find that the proposal would not result in harm to the character and appearance of the host dwelling and the street. The proposal would accord with Policy QE7 Warrington Borough Council's Local Plan Core Strategy (Adopted July 2014) which seeks amongst other things that proposals for new development are designed to reinforce local distinctiveness and enhance the character, appearance and function of the street scene, local area and wider townscape.

Other Matters

10. Objections were raised by residents of neighbouring properties with regards to potential impacts of the proposal upon their living conditions with regards to overshadowing effect, overlooking and loss of privacy. The Council have addressed these concerns in their assessment and are satisfied that any overshadowing would be only a marginal increase when compared to the current conditions. Having viewed the proposal on site I agree with that

assessment. The extension would bring the building closer to the rear of No. 32 than the existing building. However, the two storey element would be set in substantially from the boundary and the hipped arrangement of the garage roof which would be closest to the boundary would help to break up the visual impact and ensure that the proposal would not be overbearing. Some additional overshadowing would occur. However, given the orientation, this would be limited to the morning period and any additional impact in that regard would not be of a scale that would warrant permission being withheld.

11. Due to the layout of the dwelling and the distance from neighbouring properties the level of overlooking into neighbouring properties would be within acceptable limits. The first-floor side windows facing towards No. 32 and No. 9 Holly Bank do have potential to overlook the gardens and private areas of those dwellings at relatively close proximity. However, those windows would serve a bathroom, an en-suite bathroom and a wardrobe and any opportunity for overlooking could be mitigated via a condition requiring obscure glazing. Given the relative distance to the neighbouring property I find that such a condition is necessary to maintain acceptable levels of privacy.
12. I also note that the Highway Authority is satisfied with the proposed crossing point and parking arrangements, subject to conditions to ensure compliance with the revised layout plan that was submitted at the application stage. Although the crossing is close to a speed bump, I am satisfied that vehicles could enter and leave the highway safely, with adequate visibility and there would be no adverse impact on highway safety.

Conditions

13. The Council has suggested a number of conditions it would wish to see imposed in the event that the appeal was allowed. I have considered the suggested conditions against the advice on conditions set out in the National Planning Policy Framework and the Planning Practice Guidance. I have adjusted the suggested wording of the conditions to reflect this advice and in the interests of clarity and precision.
14. A condition is necessary requiring that the development is carried out in accordance with the approved plans for certainty. In the interests of the visual amenity, a condition is necessary to ensure that the external materials of the development match those used in the existing building. For the reasons given above a condition is necessary to ensure that the first-floor windows facing No.32 Elm Tree Road and 9 Holly Bank are fitted with obscured glazing.
15. In the interests of highway safety a condition is necessary to ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking.
16. A condition is also necessary to ensure that the mature tree at the front of the site is protected during construction works in the interests of local amenity.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted with the suggested conditions.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree with the recommendation and shall allow the appeal and grant planning permission subject to the recommended conditions.

Chris Preston

INSPECTOR

Schedule 1 – Conditions

1. The development hereby permitted shall begin not later than [3] years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved documents listed:
 - a) The planning application forms, design and access statement and additional information received by Warrington Borough Council on 9 March 2020
 - b) Submitted drawings:
 - Proposed Ground Floor Plan – 913-06 Revision B
 - Proposed First Floor Plan – 913-07
 - Proposed Elevations – 913-09
 - Proposed Elevations – 913-10
 - Site Location Plan and Site Plan - 913-12
 - Proposed Vehicle Access – 913-13
 - Proposed Roof Plan – 913-18

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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. The building/extension hereby permitted shall not be occupied until the window first-floor side windows facing towards No. 32 and No. 9 Holly Bank have been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter
5. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. The parking and servicing areas shall be retained as such thereafter.
6. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained mature tree to the front of the site adjacent to the proposed vehicular access (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme shall identify the Root Protection Area (RPA) of the retained tree and identify measures for

the protection of the tree during construction, including appropriate fencing. Should the RPA overlap with any proposed foundation line the arboricultural method statement, which should be prepared by a suitably qualified consultant, shall identify construction methods to ensure the protection of the tree during and after construction. Once agreed, the development shall only be undertaken in accordance with the approved details.