
Appeal Decision

Site visit made on 22 December 2021

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2022

Appeal Ref: APP/M0655/D/21/3286982

33 Spurling Road, Burtonwood and Westbrook, Warrington, WA5 4QF

- 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 J Blackburn-Woods against the decision of Warrington Borough Council.
 - The application Ref 2021/38772, dated 18 February 2021, was refused by notice dated 10 November 2021.
 - The development proposed is 2 storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) the effect of the development on the living conditions of neighbours; and ii) the design of the extension and its effect upon the character and appearance of the area.

Reasons

3. The appeal site comprises a semi-detached house with a conservatory extension and a detached outbuilding to the rear. It is situated on a large corner plot within a post war housing estate. Surrounding properties are similar in terms of design and materials.

Living conditions

4. Although the rear garden of the appeal property is wide it is also short. Accordingly the rear wall of the proposed two storey extension would only be approximately 8.4 metres from the rear boundary (based upon the submitted site plan). Whilst this is not ideal, it is greater than the 7.0 metre requirement for a two-storey rear extension constructed under permitted development rights and this is a material consideration to which I give significant weight.
5. In the absence of an accurate scale drawing or measured survey it is unclear what the separation distance would be between the rear of the proposed extension and the rear of 15 Almond Drive, which appears to have a ground floor rear extension that is not shown on the submitted plans. The council suggest a distance of approximately 13 metres but have provided no evidence of this. From my site visit the distance appeared to be greater than 13 metres but clearly well below the 21 metre standard recommended with the council's guidance.

6. I noted the presence of trees adjacent to the rear boundary of the site. However, these are not within the ownership and control of the appellant. Moreover, at the time of my visit, in the winter, they provided very little screening. I therefore afford the presence of these trees very limited weight. I also afford little weight to the reduced size of the first floor windows, which does not prevent or restrict views out of them.
7. Based upon the evidence before me, it does not appear that the council viewed the appeal property from the rear. Replacing the single storey hipped roof conservatory, which is set in from the boundary, with a two storey gable roof extension almost up to the shared boundary and to the south of it, would inevitably have an adverse impact on the living conditions of occupiers of the adjoining house to the north, in terms of overshadowing, loss of light and outlook.
8. The council's House Extensions Supplementary Planning Document (June 2021) (SPD) states that a kitchen will not normally be classed as a primary habitable room to which they would apply the 45 degree rule. This reduces the weight I have given to the inevitable impact the proposal would have on the neighbours kitchen. However, the proposal would also have an adverse impact upon the area of garden immediately to the rear of the neighbouring house, which is the area most likely to be used for sitting outside.
9. Taking into account all of the above, including what could be built under permitted development rights (a 3 metre, two-storey rear projection, set in 2m in from the side boundary and 7m back from the rear boundary) I conclude that on balance, although the separation distance between the extension and the dwelling to the rear could be acceptable, the proposal would have an unacceptable impact on the living conditions of occupiers at adjoining number 35 Spurling Road, in terms of overshadowing, loss of light and over dominance to the area of garden immediately to the rear of the house and to the kitchen.
10. The proposal is therefore contrary to Policy QE6 of the Warrington Borough Council Local Plan Core Strategy (July 2014) (the Core Strategy), which requires new development to respect the living conditions of existing neighbouring residential occupiers in relation to overlooking, loss of privacy, outlook, sunlight, day light and overshadowing. The proposal would also conflict with paragraphs 2.2.3 and 2.6.4 of the SPD, which require all extensions greater than single storey to provide a minimum gap of 1 metre to a neighbour's boundary, to ensure it is not overbearing to the neighbours garden area and all extensions not to over dominate neighbouring properties or to materially alter existing levels of sunlight and daylight.

Character of the area

11. Whilst visiting the site I observed the presence of other two-storey rear extensions in the area, notably at numbers 1 and 3 Almond Drive. However, these rear extensions appeared to be, at first floor level at least, set in from the side elevations and had hipped roofs set down from the ridge line of the original dwelling, giving them a more subservient appearance.
12. The proposed extension, by virtue of its height, width and gable end roof, would over dominate rather than respect the scale and proportions of the original dwelling. The window proportions and spacing in relation to the width of the extension add to the poor quality of the design.

I therefore conclude on this matter that the proposal would be of poor quality design contrary to Policy QE7 of the Core Strategy, which requires new development to harmonise with the scale and proportions of existing buildings and to enhance the character and appearance of the local area. The proposal would also conflict with paragraph 2.1.2 of the SPD which requires extensions to complement the existing house in terms of scale, design, roof pitch, window placement and proportions.

Conclusion

13. For the reasons given above the appeal is dismissed.

Rachael Bartlett

INSPECTOR