



Appeal Decision

Site visit made on 5 July 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2022

Appeal Ref: APP/M0655/D/22/3293058

14 Lyons Lane, Appleton, Warrington WA4 5JG

- 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 Dr V Anandan against the decision of Warrington Borough Council.
 - The application Ref 2021/39332, dated 5 May 2021, was refused by notice dated 7 December 2021.
 - The development proposed is a single storey extension to front and rear.
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Decision

1. The appeal is dismissed insofar as it relates to a single storey extension to rear. The appeal is allowed insofar as it relates to single storey extension to front and planning permission is granted for a single storey extension to front at 14 Lyons Lane, Warrington, WA4 5JG in accordance with the terms of the application, Ref 2021/39332, dated 3 September 2021, and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following 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 following approved plans: 75/20/BP, 75/20/5, and 75/20/6, except in respect of the single storey rear extension shown on those plans.

Preliminary Matters

2. A single storey extension to the front and rear with balcony above have been constructed but the front single storey extension does not accord with the appeal plans. I have therefore assessed the scheme as 'proposed' development as shown on the plans.
3. For reasons that follow, I find the proposed front single storey extension to be acceptable. It is clearly severable both physically and functionally from the proposed rear extension and balcony. Therefore, I intend to issue a split decision in this case and grant planning permission for the single storey front extension.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of 12 and 16 Lyons Lane, with particular regard to privacy.

Reasons

5. The side of the single storey rear extension would be flush with the side elevation of the appeal property that is nearest to neighbouring dwelling 16 Lyons Lane. It would extend along part of the existing rear elevation and would be closer to the shared boundary with 16 Lyons Lane than to 12 Lyons Lane.
6. Having stood on the balcony that has been constructed I was able to clearly see most of the rear garden of 16 Lyons Lane. The balcony does not project far from the rear elevation of the appeal property, and that the garden of number 16 is large, but nonetheless there would be a very limited area of that garden where the occupants would not be observed. The balcony would therefore result in a high level of overlooking at close range into the garden of number 16. This would be detrimental to the enjoyment of the garden by its occupiers resulting in a significant loss of their privacy, thereby unacceptably harming their living conditions.
7. Views into the garden of 12 Lyons Lane from the balcony would be from a greater distance and, as I observed, are filtered through mature landscaping along the boundary between the appeal site and that property. Any loss of privacy would therefore be limited, and acceptable living conditions for the occupants of number 12 would be maintained.
8. Notwithstanding this, I conclude that the proposed development, in regard to the rear single storey extension, would unacceptably harm the living conditions of the occupants of 16 Lyons Lane with regard to privacy. It would therefore be contrary to Policy QE6 of the Local Plan Core Strategy (LPCS) which states that development needs to respect the living conditions of existing neighbours in relation to overlooking/loss of privacy. The proposed rear single storey extension is also contrary to the guidance and aims of the House Extensions Supplementary Planning Document to ensure development does not cause unacceptable harm to neighbours living conditions.

Other Matters

9. Whilst the occupants of 16 Lyons Lane do not object to the balcony this does not justify allowing a development which would cause unacceptable harm to living conditions.
10. The front single storey extension is of a modest scale and appropriate design, acceptably utilising render in contrast to the brick-built host dwelling. The extension is also largely screened from public view by the mature landscaping within the front garden. As such it would not be harmful to the character and appearance of the existing dwelling and the surrounding area. In addition, due to its location at the front of the property and the position of windows, it would not adversely affect the living conditions of neighbours. It therefore accords with Policy QE7 of the LPCS.

Conditions

11. In addition to the standard time limit condition limiting the lifespan of the planning permission I have also, in the interests of certainty, attached conditions specifying the approved plans.
12. A condition securing matching materials is not necessary as the proposed use of render is appropriate and acceptable.

Conclusion

13. For the reasons given above the appeal is allowed insofar as it relates to the single storey front extension.
14. The single storey rear extension and balcony above, however, conflict with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the harm and associated development plan conflict. I hereby dismiss this appeal insofar as it relates to the single storey rear extension.

Elaine Moulton

INSPECTOR