
Appeal Decision

Site visit made on 12 July 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2022

Appeal Ref: APP/M0655/W/22/3295954

**Land Adjacent to 533 Manchester Road, Hollins Green, Warrington
WA3 6JU**

- 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 Pennington against the decision of Warrington Borough Council.
 - The application Ref 2021/40081, dated 1 September 2021, was refused by notice dated 17 November 2021.
 - The development proposed is for the removal of existing garage with canopy and replacing with one single storey dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area,
 - the living conditions of neighbouring occupiers; and whether,
 - the proposal would provide a suitable level of accommodations for future occupiers.

Reasons

Character and Appearance

3. The appeal site is a long narrow plot accessed from Manchester Road, the main road through Hollins Green. Although primarily residential, the area of the street surrounding the appeal site contains a number of various commercial uses. The buildings within the street scene are rather varied in appearance, scale and style, including the presence of some bungalows. However, there is a fairly strong building line either side of the appeal site, created by the terrace and first dwelling on Dawlish Close.
4. Currently the site contains a single garage, served by a canopy, in the middle of the site. Its appearance and siting are not characteristic of the surrounding area, but I do not find that this harms the character and appearance of the street scene. The proposed bungalow would sit in a similar position, and would be of a similar scale to the existing garage, but would have a higher roof.

5. Although set back from the road, given its scale, the proposed dwelling would be a more prominent feature and as such, the significant set back from the building line would be more pronounced. Given the openness of views on to the site from Manchester Road I find that this would consequently result in the proposal jarring with the pattern of development.
6. Notwithstanding this harm, I find that the design and materials of the proposed bungalow would be in keeping with the wider street scene where I noted bungalows interspersed between two-storey properties. Moreover, whilst it would be significantly smaller than many of the surrounding properties, I find that given its context this would not be harmful to the street scene.
7. Nevertheless, the proposal, by way of the dwelling's siting, would harm the character and appearance of the surrounding area in conflict with Policies CS1 and QE7 of the Local Plan Core Strategy (the LPCS, July 2014) which require that proposals reinforce local distinctiveness and enhance the character and appearance of the area. It would also conflict with the design aims of the National Planning Policy Framework (the Framework) including Paragraph 130.

Living Conditions

8. One side of the appeal site adjoins the backs of the properties on Dawlish Close. These properties are served by relatively short gardens and so the rear of the dwellings are set close to the shared boundary with the appeal site. They are however, separated from the appeal site by tall fences which somewhat limit the outlook from the garden and ground floor windows across the site.
9. Nevertheless, the upper floor windows are afforded an open outlook across the site and consequently, the proposed front and rear gardens would be overlooked from a very close distance by a number of properties. I therefore find that the future occupiers of the proposed dwelling would not be provided with an outside amenity space that could meet the typical expectations for privacy. This would limit the enjoyment of their home to the detriment of the living conditions it provides. Whilst a degree of overlooking is to be expected in built-up areas, the extent before me would be significantly greater than could be expected.
10. Although the proposed dwelling is a single-storey building, it would still be significantly taller than the existing garage, primarily as a result of the increased height of the roof. Consequently, the roof would be visible over the boundary treatments from the neighbouring properties and their gardens. I also find that the extensions and outbuildings serving the neighbouring properties would not significantly screen the proposal.
11. Given their close proximity to the new dwelling it would be particularly prominent in views from the rear windows and gardens of numbers 3 and 5 Dawlish Close. Although the roof would pitch away from these two properties, it would nevertheless be an intrusive feature within the outlook from their ground-floor, rear windows and gardens. To this extent the dwelling would form an enclosing and somewhat overbearing feature at the end of the garden, in close proximity to the amenity spaces of these neighbouring properties. It would therefore harm the neighbouring occupier's enjoyment of their property to the detriment of their living conditions.

12. In light of the above, I find that the proposal would harm the living conditions of neighbouring occupiers at number 3 and 5 Dawlish Close, and would not provide a suitable level of accommodation for future occupiers at the appeal site. The proposal would therefore conflict with LPCS Policies CS1 and QE6 which, amongst other matters, require that developments protect the residential amenity of future and nearby occupiers with particular regard to privacy and outlook. The proposal would also conflict with Paragraph 130 of the Framework which expects developments to provide a high standard of amenity for existing and future users.
13. Although the House Extensions Supplementary Planning Document (the SPD) only covers extensions, the overarching principles regarding living conditions, particularly outlook and privacy, are relevant to new dwellings as well. The proposal would also conflict with this guidance.

Other Matters

14. Although the Council have referred to LPCS Policy CC1, this policy relates to the Green Belt and so is not particularly relevant to either of the main issues set out above, and has therefore not been determinative in my considerations.

Planning Balance and Conclusion

15. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling. The scheme would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal, these benefits attract only modest weight.
16. Conversely, the siting of the proposal would result in harm by way of living conditions, character and appearance, contrary to the development plan. I afford these matter significant weight.
17. The proposal would therefore conflict with the development plan and there are no other considerations, including the National Planning Policy Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR