



Appeal Decision

Site visit made on 30 August 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Ref: APP/M0655/W/22/3293483

Apartments 14, 15, 16, 17, 18 & 19 Old Mill Close, Lymm, Cheshire WA13 9RW

- 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 David Besant-Roberts against the decision of Warrington Borough Council.
 - The application Ref 2021/40389, dated 11 October 2021, was refused by notice dated 8 December 2021.
 - The development proposed is the removal of six existing juliet balconies and construction of six walk on balconies to existing apartments over three floors.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted an amended drawing with the appeal. This shows alterations intended to overcome the reason for refusal by reducing the length of the balconies and removing the walls at ground floor level. I am satisfied that these are minor alterations and, as part of the appeal, the Council have had the opportunity to provide comments. As such, and having regard to the Wheatcroft principles¹ and guidance², I am satisfied there is no risk of prejudice if I take the amended plans into account. I have therefore determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the property and surrounding area.

Reasons

4. The appeal site comprises a three storey apartment building with nine juliet balconies along its southeast elevation. It is located on a former mill site on the edge of the village of Lymm, forming part of a residential estate. Due to the surrounding openness and the modest nature of the estate, a rural feel is retained at the site and in the vicinity.
5. There is dispute between the main parties as to whether the appeal property is an original mill building. However, even if it were a purpose built apartment block, it is clear that its appearance intends to reflect the former mill use of the site. In this sense, the property is defined by its simple shape and

¹ Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

² 'Procedural Guide Planning Appeals – England'

proportions, with uncluttered elevations providing a consistency and uncomplicated legibility to the overall design.

6. The current juliet balconies contribute positively to this character. Although not symmetrically positioned, their placement remains somewhat uniform so as to not interrupt the overall simplistic and coherent appearance of the building. The limited nature of their projection reads as flush with the property and as such does not appear bulky or visually distracting.
7. The proposal seeks to replace six of these with walk-on balconies. Three would be located at one end of the elevation, with the other three towards the middle. Three juliet balconies would then remain on the opposite end. No changes are proposed to the fenestration of the building.
8. The proposed balconies would be supported by steel columns, with steps at street level. I acknowledge that materials matching the existing building would be used, with the black steel columns designed to reflect other vertical structures at and near the site.
9. However, due to its positioning, the introduction of the proposal would upset the uniformity of the elevation. The resulting variety of balcony styles would create a busy appearance at this section of the building, reading as jarring and visually distinct from the rest of the property. The additional elements of projection, along with supporting structures, would appear bulky and seem at odds with the otherwise simple design of the building and modest nature of the retained juliet features.
10. While neighbouring dwellings do not share the design of the appeal property, the proposal would nevertheless upset the overarching rural feel surrounding the estate. Even with the reduced length and a curved appearance to match the juliet balconies, the dominance and bulk of the proposed balconies and supporting structures would appear as urban elements, seeming out of place in the immediate setting. As such, while views of the proposal may only be possible within the estate, from this location it would nevertheless be incongruous and fail to respect the character of both the host building and immediate area.
11. I acknowledge the possibility for a variety of residential paraphernalia to be kept at the proposed balconies, adding to a cluttered and inconsistent appearance along this elevation. While the appellant has referred to freehold restrictions, no substantive evidence of these have been submitted. In any event, even if such paraphernalia was limited by restrictions or planning conditions, as outlined above the presence of the proposed balconies in their own right would nevertheless appear visually disruptive to the site.
12. For the reasons given I find that the development would have a significant adverse effect on the character and appearance of the property and surrounding area. As such, it would fail to accord with Policies CS1, CC2 and QE7 of the Warrington Borough Council Local Plan Core Strategy, which among other things seek to deliver high standards of design and ensure that development relates to its rural setting and harmonises with existing buildings.

Other Matters

13. The provision of walk-on balconies would provide occupiers of the associated apartments with access to an area of outdoor space. I acknowledge that this can play an important role in the physical and mental health and wellbeing of individuals, particularly following the COVID-19 pandemic, as well as having social benefits. However, given the fact that these apartments already benefit from communal outdoor space, I attribute only moderate weight to this benefit.
14. The appellant has referred to other developments nearby with walk-on balconies. However limited information on these, or their comparability to the proposal, is provided. In any event, the proposal has been considered on an individual basis and the acceptance of other developments is of limited weight.
15. The appellant has further referred to planning permission that was at one point granted for development of a pub and restaurant at the site. I have no information before me as to the precise details of that application in order to make a comparison with the proposal. Accordingly, limited weight is attached to this.
16. I note that the Council has agreed the proposal would not result in a significant adverse impact to the outlook or privacy of residents of surrounding properties, and that it would not be inappropriate development in the Green Belt. However, these are separate issues to the impact on the character and appearance of the building and area. The acceptability of the proposal with regards to the Green Belt and the living conditions of neighbouring occupiers represents a lack of harm, which is neutral in the overall planning balance.
17. The appellant's frustration with regards to the Council's administration of the case is also acknowledged. However, this does not affect my considerations of the planning merits of this case.

Planning Balance and Conclusion

18. Even acknowledging the moderate weight attached to the health and social benefits attached to the proposal, and the limited weight afforded to the other matters above, when taken together they do not outweigh the significant harm identified to the character and appearance of the property and surrounding area by the proposal.
19. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR