



Appeal Decision

Site visit made on 20 December 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2023

Appeal Ref: APP/M0655/D/22/3299114

16 Shetland Close, Winwick, Warrington WA2 0UW

- 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 Norman Wainwright against the decision of Warrington Borough Council.
 - The application Ref 2021/39202, dated 15 April 2021, was refused by notice dated 22 February 2022.
 - The development proposed is to demolish the existing side garage and erection of two story side extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the living conditions of neighbouring occupiers at 18 Shetland Close with regard to outlook, and (ii) the character and appearance of the host property and the area.

Reasons

Living Conditions

3. The two storey part of the proposal would replace an existing garage and shed which are situated on the north-western side of the main building. It would extend up to the common boundary with 18 Shetland Close which is broadly sited at right angles to the appeal property.
4. I appreciate the appeal proposal has been amended so that it would not be directly to the front of No. 18, where the direct outlook from the front of this neighbouring property would be of the existing side elevation of the appeal property. Nevertheless, the side extension proposed would only be slightly offset from the front of No. 18, and not to the extent suggested by the appellant which would significantly limit views of it from this neighbouring property. Given this close proximity, which the Council has stated would only be around 7m at its closest point, the proposed development would have an unacceptable overbearing impact, particularly from the front ground floor habitable room.
5. Reference has been made to the House Extensions Supplementary Planning Document (June 2021) (SPD) by the main parties, which sets out that a minimum distance of 13 metres should be retained when measured directly from the nearest neighbouring habitable room main window to a development.

The relationship between the existing dwelling and this neighbouring property is already below the 13m distance set out in the SPD, but the proposed two storey addition would bring built development closer to the front windows at No. 18. As a result, it would further increase its prominence from this neighbouring property to the detriment of its occupant's outlook.

6. Reference has been made to the appeal proposal extending for a shorter distance along the shared boundary between the appeal property and No. 18 than the existing garage. The difference between the two is small but in any event, the garage as a single storey structure, is not comparable to the effects of the appeal proposal which to the side of the existing appeal building, would consist of a two-storey addition.
7. I therefore conclude that the proposal would have an unacceptable harmful impact on the living conditions of neighbouring occupiers at 18 Shetland Close with regard to outlook. As such, it would conflict with Policy QE 6 of the Local Plan Core Strategy (Core Strategy), which sets out the need to respect the living conditions of existing neighbouring residential occupiers. It would also be contrary to the SPD, which seeks to ensure there is no unacceptable harm to neighbours' amenities. I have afforded the SPD significant weight given it is recent and intended to support the policies in the Core Strategy. It would also conflict with the National Planning Policy Framework (Framework) which seeks at paragraph 130, a high standard of amenity for existing and future users.

Character and Appearance

8. The appeal property is situated on a short cul-de-sac branch of Shetland Close. This comprises mainly of two storey detached houses which are closely positioned together and have regular features, such as front gables which gives this residential area a tight knit, unified character.
9. The Council has raised a number of concerns, with reference to the SPD, relating to the width of the proposed two storey side extension and its position on the boundary. This side extension would be almost the same width of the existing property, but as it is set noticeably back from the front elevation, it would not appear disproportionately wide to the host dwelling.
10. Although the two-storey form would be more prominent relative to the existing garage, I do not consider the reduction in space in an area where buildings are set close together, would be harmful. The setback positioning and the roof of the extension being lower than that of the existing roof would also retain the prominence of the front gable feature, ensuring it appears as a sympathetic addition to the existing property.
11. Given the above, I conclude that the proposed development would not have an unacceptable harmful effect on the character and appearance of the host property or the area. As such, it would not conflict with Policy QE 7 of the Core Strategy, which seeks, amongst other matters, proposals that reinforce local distinctiveness and enhance character. Although the proposal would not comply with certain specific guidance within the SPD, it would not conflict with its aims, which amongst other matters, includes seeking good quality design that complements the character and appearance of the original house. There would also be no conflict with paragraph 130 of the Framework insofar as it requires development to be sympathetic to local character.

Other Matters

12. The development, as an extension to an existing residential property is acceptable in principle, and there would be no harmful effects arising to other neighbouring properties. These are however neutral matters and not considerations which weigh in favour of the proposal.
13. I have taken into account all other matters raised, including those in relation to parking and the effect on a mature tree, but they do not alter my conclusions in respect of the main issues.

Conclusion

14. I have found no harm in relation to the effect of the proposal on the character and appearance of the area. However, this is a neutral consideration and would not outweigh the harm that would be caused to the living conditions of neighbouring occupiers at 18 Shetland Close.
15. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, including the provisions of the Framework, I conclude the appeal should be dismissed.

F Rafiq

INSPECTOR