
Appeal Decision

Site visit made on 10 January 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/M0655/D/22/3307280

27 Oughtrington Crescent, Lymm, Warrington WA13 9JD

- 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 & Mrs Picton against the decision of Warrington Borough Council.
 - The application Ref 2020/38368, dated 15 December 2020, was refused by notice dated 30 June 2022.
 - The development proposed is part rear ground floor and part rear first floor alterations with porch to front.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A front porch forms part of the appeal proposal but is not referenced in the Council's reason for refusal. Given its size and location, I have no reason to disagree. I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 25 Oughtrington Crescent with regard to sunlight, daylight and outlook.

Reasons

4. The appeal property is a semi-detached dwelling which has split depth single storey extensions to the rear of the main two storey part of the property. It is adjoined by 29 Oughtrington Crescent, with No. 25 being the other neighbouring property. The proposal includes a part single and part two storey proposal to the rear of the existing two storey section of the dwelling.
5. The appeal proposal, other than the front porch, would have a hipped roof form and be set slightly further away from No. 25 than a scheme that formed part of a previously dismissed appeal¹ which this appeal submission seeks to overcome. However, despite these small changes, the Council has stated that the ground and first floor parts of the appeal proposal on the northern side, closest to No. 25, remain unchanged in their depth at around 6.2m at ground floor level and around 2.9m at first floor.

¹ Ref: APP/M0655/D/20/3245335

6. This neighbouring property is set down from the level of the appeal building and has a number of windows on its southern elevation. The ground floor element of the proposal would have a reconfigured roof form such that it, in itself, it would have no greater impact on No. 25 than the existing ground floor extension. However, this proposal would also result in a two storey addition. In terms of its proximity and its positioning to the south of this neighbour, the scale of this element of the proposal would result in unacceptable overshadowing. These scale and positioning factors would also unacceptably reduce daylight to a harmful level and create an overbearing sense of enclosure within a number of rooms at No. 25 that face towards the appeal site.
7. I therefore conclude that the proposal would have an unacceptable harmful impact on the living conditions of neighbouring occupiers of 25 Oughtrington Crescent with regard to sunlight, daylight and outlook. As such, it would conflict with Policy QE 6 of the Local Plan Core Strategy (Core Strategy) and the House Extensions Supplementary Planning Document (June 2021) (SPD), which set out the need to respect the living conditions of existing neighbouring residential occupiers. 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.

Other Matters

8. Reference has been made to a Certificate of Lawful Development (LDC) for a two-storey extension to the rear of the appeal property. The appellant has set out that should the appeal fail, they would implement the LDC scheme. I have no reason to disagree with this position and consider there is a reasonable prospect that it would be constructed.
9. Limited details of this fallback position have been provided although the two-storey element of the appeal proposal is said to reflect the LDC scheme. There is however nothing before me that confirms that the LDC scheme also included single storey elements to the rear of the property, in addition to the two-storey development. As such, I am unable to conclude that the LDC scheme, if implemented would have the same or greater impact than the combined ground and first floor elements that form part of the appeal proposal. As such, this limits the weight that I can attribute to the fallback position.

Conclusion

10. 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