



Appeal Decision

Site visit made on 17 July 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2023

Appeal Ref: APP/M0655/W/22/3310740

155 Chester Road, Grappenhall and Thelwall, Warrington WA4 2SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr and Mrs Critchley against Warrington Borough Council.
- The application Ref 2022/41746, is dated 16 June 2022.
- The development is described as "retention of a summerhouse in the rear garden (as built) (4.51m wide x 11.76m long, with a height of 5.17m to ridge; 2.79m to eaves)".

Decision

1. The appeal is allowed and planning permission is granted for the retention of a summerhouse in the rear garden (as built) (4.51m wide x 11.76m long, with a height of 5.17m to ridge; 2.79m to eaves) at 155 Chester Road, Grappenhall and Thelwall, Warrington WA4 2SB in accordance with the terms of the application, Ref 2022/41746, dated 16 June 2022, subject to the conditions in the schedule to this decision below.

Applications for costs

2. An application for costs was made by Mr and Mrs Critchley against Warrington Borough Council. This decision will be the subject of a separate decision.

Procedural Matters

3. The building was already constructed when I undertook my site visit. Therefore, I am considering this appeal retrospectively.
4. The description of development in the banner heading above has been taken from the appellant's appeal form rather than the planning application form, to accurately reflect the 'as built' ridge height and chimney height as shown on the submitted drawings and as described within the supporting documentation. I have therefore considered the appeal on this basis.
5. Following the submission of the appeal, the Council has clarified the position it would have taken on the application if it had had the opportunity to make the decision. The main issues below are based on the putative reasons for refusal set out in their statement.

Main Issues

6. The main issues are the effect of the development on:
 - a) the living conditions of the occupiers of neighbouring properties, with particular reference to outlook; and

- b) the character and appearance of the surrounding area.

Reasons

Living Conditions of the Occupiers of Neighbouring Properties

7. The appeal site shares its rear boundary with 35 and 37 York Road; two-storey detached dwellings that are more diminutive in scale than the host dwelling and have a relatively flat, smaller and shallower rear garden that is lower than the appeal site. The summerhouse is sited almost centrally within its rear garden and therefore is positioned adjacent to the rear gardens of both No 35 and 37. The summerhouse is single storey with an eaves height of 2.79m and a pitched roof with a ridge height of 5.17m. Attached to each end of the summerhouse is a chimney with an overall height of 6.32m. It is positioned 2.5m from a brick built boundary wall.
8. Planted between the boundary wall and the summerhouse are a number of pleached beech trees. At the time of my site visit, the pleached beech trees were in leaf and when viewed from the garden of the neighbouring property, they completely screened the summerhouse from view. However, I acknowledge that the beech trees are deciduous. Furthermore, I have been directed to photographs of the summerhouse taken from No 35 when the trees are not in leaf which indicate that the summerhouse is partially visible from No 35 and 37, particularly its roof and chimneys.
9. A substantial wall forms the boundary between the appeal site and No 35 and 37 that almost entirely screens the ground floor of the summerhouse. The boundary wall forms a dominant and imposing structure within the rear gardens of No 35 and 37 that reduces the prominence of the summerhouse. The summerhouse's roof and chimneys extend above the height of the boundary wall. However, the roof pitch slopes away from the wall and the chimneys are sited further away from the shared boundary therefore, reducing their prominence and scale when viewed from No 35 and 37. Furthermore, the summerhouse is sited a generous distance from the directly facing fenestration within the rear elevations of No 35 and 37.
10. Planning permission¹ has been granted for a summerhouse with the same footprint and siting as the existing summerhouse, but with a ridge height reduced by 0.67m and the chimneys' height reduced by 1.15m. The planning permission is extant, and it would allow the appellants to retain a similar building to what has been built. Therefore, there is a real prospect that the permission would be implemented should this appeal proposal fail. However, in my opinion, the reduction in heights is unlikely to be significantly discernible from No 35 and 37, particularly due to the building's roof design, its siting, and the intervening vegetation that completely screens the building when in leaf and whose branches provide a degree of screening when not.
11. In respect of the first main issue, the development would not adversely harm the living conditions of the occupiers of neighbouring properties, with particular reference to outlook. It would comply with Policies CS1 and QE6 of the Warrington Borough Council Local Plan Core Strategy, adopted 2014 ('the CS') which, amongst other things, seek to take into consideration the need to respect the living conditions of existing neighbouring residential occupiers in

¹ Planning Ref 2021/40207

relation to outlook, and to safeguard residential amenity. It also complies with the Council's House Extensions Supplementary Planning Document, adopted 2021.

Character and Appearance

12. The appeal site comprises a substantial detached dwelling set within an extensive plot. A detached garage with accommodation above is located to one side of the dwelling with a smaller extension attached to its rear elevation, and a large greenhouse is located within the rear garden. I acknowledge that the summerhouse is substantial in scale, however, it is in keeping with the scale of the existing dwelling and its plot. While other outbuildings in the surrounding area may be smaller in scale, including the appeal site's existing greenhouse, the summerhouse is comparable in scale to the appeal site's existing detached two-storey garage. Furthermore, the appeal site's plot is substantially larger than those of other dwellings in the immediate vicinity. Therefore, the scale of the summerhouse does not appear overly dominant or out of keeping with the scale of other outbuildings.
13. Glimpses of the summerhouse's chimneys could be seen from the public realm during my site visit, and I acknowledge that the building could appear more visible during the colder months when vegetation has lost its leaves. However, the summerhouse is sited a significant distance from the surrounding roads and the gaps between the dwellings are limited. Therefore, the building is not highly visible from the surrounding area.
14. In respect of the second main issue, the summerhouse would not harm the character or appearance of the surrounding area. It would comply with Policies CS1 and QE7 of the CS which, amongst other things, seek to deliver high standards of design and construction that have regard to local distinctiveness and harmonise with the scale, proportions and materials of adjacent and/or existing buildings.

Other Matters

15. Concern has been raised regarding smoke discharge from the chimneys of the summerhouse and its potential effect on the health and living conditions of occupants of neighbouring properties and on the health and wellbeing of an existing tree. However, the Council's Public Protection Officer and Tree and Landscaping Officer raise no objection in respect of these matters. From the information before me, I have no reason to come to a different view. Furthermore, an earlier planning application² for the removal of a condition that prevented the use of the chimney closest to the tree was approved subject to a condition recommended by the Tree and Landscaping Officer. The condition is recommended by the Council should this appeal be allowed.
16. Concern has been raised regarding the potential for noise and disturbance, odour, light pollution and overlooking. I note that the Council has not raised an issue in respect of these matters, and from the information before me, I have no reason to disagree. Furthermore, extant planning permission for a summerhouse with the same footprint, siting, fenestration and chimneys (albeit at a lower height) exists and therefore, should this appeal fail, there is a real prospect that the extant permission would be implemented. Therefore, any

² Planning Ref 2022/41752

noise, disturbance, odour, light pollution or overlooking associated with its use would be comparable to the appeal scheme.

17. Concern has been raised that the building has resulted in surface water flooding to the rear garden of 35 York Road. However, limited evidence has been provided to substantiate this matter.
18. A Daylight and Sunlight Amenity Impact Assessment Report³ concluded that the summerhouse has a non-significant impact on the daylight and sunlight amenity of 35 and 37 York Road, and a non-significant impact on the sunlight amenity to their rear gardens. Concern has been raised regarding the assumptions made by the authors of the report and that the difference in ground levels was not taken into consideration. However, the 3D imagery contained within the report depicts a drop in ground levels and the author of the report has confirmed that the difference in ground levels was taken into account. From the evidence before me, I have no reason to disagree.
19. The appeal site is within the Victoria Road/York Drive (Grappenhall) Conservation Area ('the CA') and therefore, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The significance of the CA is its low density, generously sized garden plots which provide a verdant garden suburb and a backdrop to the various architectural styles of the buildings. The building is located within the rear garden of the appeal site and is not highly visible from the public realm due to its distance from the surrounding roads and the intervening buildings and vegetation. Therefore, the character and appearance of the CA is not unduly altered by the building. Consequently, I do not find harm to the CA from the development.

Conditions

20. The Council has provided a list of conditions which I have had regard to with respect to the tests for conditions set out within the National Planning Policy Framework. I have undertaken some minor editing of the conditions proposed, in the interests of precision and clarity. While not included within the list of conditions provided by the Council, I have included a condition referencing the approved plans for the avoidance of doubt. A condition in respect of replacement tree planting along the northern boundary is necessary to maintain the existing trees and to soften the appearance of the building when viewed from 35 and 37 York Road. A condition requiring the periodic trimming of the east side of an existing tree is necessary to ensure that its health and wellbeing is not adversely affected from its proximity to one of the summerhouse's chimneys.
21. The appellant has suggested that an evergreen magnolia could be planted adjacent to one side of the building to partially screen the summerhouse from 35 York Road throughout the year. However, for the reasons detailed above, I have found that the existing building is not harmful to the living conditions of the occupiers of neighbouring properties, and therefore a condition requiring the planting of a magnolia would not be reasonable or necessary.

³ Daylight and Sunlight Amenity Impact Assessment Report, dated 31 May 2022, produced by Gray Scanlan Hill Chartered Building Surveyors, Ref [3159]MPS/JM/DH - Final

Conclusion

22. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be allowed and planning permission be granted.

A Berry

INSPECTOR

Schedule of Conditions

1. The development hereby permitted is in accordance with the submitted drawings: 314/P/01, 314/P/02, 314/P/03, 314/P/04, 314/P/06.
2. Any tree with a trunk located within 6m of the structure hereby approved and which, within a period of 5 years from the date of this approval dies, shall be replaced by the applicants or their successors in title. Prior to the planting of any replacement tree(s), details of its species and height shall be submitted to and agreed in writing by the local planning authority. The replacement tree(s) shall accord with the approved details and shall be planted during the first planting season following the removal of the affected tree(s).
3. The tree situated immediately adjacent to the development on the western border of the site, (as indicated in P02 Ground Floor Plan – of planning approval 2021/40207), shall be trimmed on the east side of the tree on a bi-annual basis to achieve a 2m clearance from the top of the chimney at the time of works. Tree works shall be repeated more frequently if necessary to ensure that the branches of the tree do not, at any time overhang the chimney shown on the west elevation. All tree works shall be undertaken in accordance with BS 3998:2010 - Tree Work - Recommendations.

*****End of Conditions*****