

Appeal Decision

Site visit made on 13 November 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2023

Appeal Ref. APP/D0650/D/23/3328141

9 Windermere Avenue, Widnes WA8 9LN

- 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 and Mrs Pimlett against the decision of Halton Borough Council.
 - The application ref. 22/00304/FUL, dated 10 June 2022, was refused by notice dated 1 June 2023.
 - The development proposed is described on the application form as "*Alterations and extensions including demolition and removal of existing detached garage*" but more precisely on the Council's decision notice as "*Proposed demolition of existing garage and erection of two storey side extension and single storey front and rear extensions*".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellants were clearly frustrated by the length of time the Council took to first send any meaningful update or correspondence on the application and ultimately to reach a decision and by how, despite eventual discussions with the planning officer, an outcome that was satisfactory to the Council could not be reached. If the appellants are dissatisfied with the service provided or the procedural approach taken by the Council, those concerns can be addressed by separate means if necessary. The appellants also had the right of appeal against non-determination of the application within the relevant time limit, well before the Council's decision in June 2023.
3. My focus in this appeal case must be on assessing whether planning permission ought to be granted for what is proposed. The main drawing considered by the Council was drawing no. 2206.WA.02 REV: C.

Main issues

4. The main issues in this appeal are the effects of the proposed development upon the character and appearance of the dwelling and its surroundings and upon the amenities and living conditions of the neighbouring occupiers at 7 Windermere Avenue with regard to the potential for any overbearing effects on outlook and any loss of daylight.
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Reasons

5. Windermere Avenue is a residential cul-de-sac. It has a dozen or so bungalows and 5 pairs of semi-detached 2-storey houses. Nos 9 and 11 comprise one of those pairs and, like the other pairs, share a hipped roof with a short ridge.
6. Located on the outside of an appreciable bend, the appeal property occupies a triangular-shaped plot that is significantly wider on the rear boundary than it is on the front boundary. It is prominent in views approaching along the avenue from the north-west and from the junction with Windermere Street. The detached garage in the side yard of the appeal property, situated adjacent to the long and angled common boundary with no. 7, is visible from the avenue.
7. The rear garden of the appeal property runs up to the rear gardens of dwellings on Derby Road. It was apparent from my walk along Derby Road that the rear roofscape of the appeal property is noticeable in views from those nearby houses and their back gardens, especially nos 119, 123 and 125 Derby Road.
8. The proposed 2-storey side and single-storey front extensions would run parallel to the angled side boundary to no. 7. The scheme eschews the distinctive hipped roof profile of the existing dwelling in favour of a full gable end. These design approaches would increase the habitable floor space by maximizing the footprint and overall size of the combined side and front extensions. However, it is preferable in design terms for the side wall of an extension to run parallel to the original house and not follow the line of a shared boundary where that boundary is set an angle to the house as in this case. The roof of an extension should closely match the original roof profile.
9. The proposed chamfered extension would appear excessively wide in relation to the original house particularly when viewing across the roof from the front and the rear. The slanted full gable end and the slanted side elevation as a whole would fail to respect the established style, character and shape of the host dwelling. Despite the use of matching materials and leaving a gap of 900 mm up to the plot boundary with no. 7, the sprawling extent of the extension scheme would result in an inharmonious addition that would overwhelm the original building. The design drawbacks would be worsened by including the entrance lobby extension at the front as part of the chamfered alignment, by not setting the front wall of the side extension back from the main front elevation of the dwelling and by adopting only a marginally lower ridge height.
10. The proposed development would not represent a visually attractive solution that would add to the overall quality of the area. Having regard to its design and scale, it would not be sufficiently subservient or complementary to the original building and would have a visually disruptive effect upon the host property, the regular appearance of the semi-detached pair as a whole and the wider locality. The adverse visual effects I have noted would be apparent from the public and private vantage points I referred to in paragraphs 6 and 7 above. I saw nothing remotely similar to the appeal proposal at any nearby houses. It would be uncharacteristic of the fairly uniform design of the 5 pairs of semi-detached 2-storey houses in Windermere Avenue, particularly bearing in mind there have been no other 2-storey side extensions at those houses.
11. In an assessment of the planning merits, the Council's *House Extensions* Supplementary Planning Document (SPD) should not be applied prescriptively

to the exclusion of all other factors, including the physical circumstances and context of a site. Still, that the proposal does not sit fully square with its general principles for all extensions and guidance on side extensions confirms my findings on this issue in the circumstances of this case.

12. I find on the **first main issue** that the proposed development would harm the character and appearance of the dwelling and its surroundings. As the development would not be an example of high-quality design and would fail to retain the character of the existing property, its setting and the surrounding residential area, there would be conflict with the aims of Policies GR1, RD3 and CS(R)18 of the Halton Delivery and Allocations Local Plan (DALP), March 2022.
13. Turning to the second main issue, even though the occupiers of 7 Windermere Avenue did not respond to the neighbour consultation exercise conducted by the Council at the time of the application, the amenities of the existing and future occupiers of that neighbouring property need to be considered.
14. No overlooking or loss of privacy issues would arise. However, given the proximity of the front-facing, ground floor habitable room window in the side extension at no. 7 to the common boundary with no. 9, the angled alignment of that property towards no. 9 and the position, depth and height of the proposed 2-storey side and single-storey front extensions, I consider that the neighbours there would inevitably experience some overbearing effects and a diminution of outlook from inside the room served by that window. The natural daylighting conditions in that room would be made worse. Viewing these factors in the round, the scheme would have a significant adverse impact on the amenity and living conditions of the neighbours at no. 7.
15. I find on the **second main issue** that the proposed development would materially harm the amenities and living conditions of the neighbouring occupiers at 7 Windermere Avenue with regard to the potential for overbearing effects on outlook and loss of daylight. This would conflict with DALP Policies GR2 and RD3 which, amongst other things, require new developments to avoid harming the amenities of neighbours. This aim is consistent with the SPD.
16. Large extensions and some remodelling were permitted by the Council at 19 Swynnerton Way and 84 Lunts Heath Road but these are houses on relatively spacious corner plots. The extensions approved on those sites were not similar to what is proposed under this appeal which I have considered on its merits.
17. My findings on the main issues are decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations, including the enlargement and enhancement of the family accommodation at the host dwelling that the appeal proposal would provide. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR