



Appeal Decision

Site visit made on 1 November 2023

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 16th January 2024

Appeal Ref: APP/M0655/D/23/3327888

43 Crowe Avenue, Orford, Warrington WA2 9RE

- 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 C Chen against the decision of Warrington Borough Council.
 - The application Ref 2022/41501, dated 1 May 2022, was refused by notice dated 11 August 2023.
 - The development proposed is retrospective permission for side and rear extension and application for new porch.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is retrospective as the development has been fully completed. From my site visit, the erected extensions were similar to those shown on the drawings refused by the Council. I have considered the appeal based on the drawings.
3. The Government published a revised version of the National Planning Policy Framework (Framework) on 19 December 2023. Whilst I have had regard to the revised Framework, the issues most relevant to this appeal remain unaffected by the revisions. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

4. The main issues with the development are:
 - the effect of the rear extension on the living conditions of the occupiers of the neighbouring properties with regard to outlook, light, and whether it would be overbearing; and
 - the effect of front and rear extensions on the character and appearance of the host property and the surrounding area.

Reasons

Living Conditions

5. The development's rear single-storey extension is the full width of the two-storey semi-detached host property, and it extends nearly the full length of the rear garden. It has been built along the side boundary with 41 Crowe Avenue (No 41) and extends close to the rear garden boundary with

- 29 Locker Avenue (No 29). At approximately 2.6 metres (m) in height, the development is higher than the boundary fencing.
6. Due to No 29's relatively small and narrow garden, the development is a prominent and imposing feature. It is visually intrusive and has an overbearing effect on the outlook of the garden. It also, due to the short separating distance from the property's rear ground floor window, adversely affects this window's outlook.
 7. Although the appellant asserts that the window serves a kitchen and as such the development does not affect the residential amenity of the property, little evidence is provided to substantiate this. From my visit, the kitchen is open plan with the front room and will therefore, in all probability, be regularly used and harming the occupiers' outlook is not justified.
 8. Concerning No 41, while this property also has a rear ground-floor window and rear garden, due to its existing single-storey rear extension and larger garden size, there is sufficient space and screening to prevent the development from being visually intrusive or having an overbearing impact.
 9. The Council advised that the development causes overshadowing of No 29 and No 41. However, little detail to substantiate this is provided. As the development is located to the north of No 29 and east of No 41 it does not significantly obstruct sunlight to these properties and does not unacceptably increase overshadowing.
 10. In its assessment of the development's rear extension, the Council refers to a required '45-degree code' within its House Extensions Supplementary Planning Document June 2021 (SPD). This guidance is aimed at protecting neighbouring properties by preventing overshadowing or obstruction caused by large extensions on or close to a boundary. The guidance also details that the code applies to kitchens which are not separate. The Council found that the development failed to meet this SPD requirement for No 29's rear window and the SPD further supports my finding. The appellant provides little evidence to dispute this.
 11. In conclusion, the development's rear extension does not adversely affect the occupiers of No 41's living conditions or No 29's light. However, it does unacceptably affect the occupiers of No 29's living conditions regarding outlook and has an overbearing effect. The development conflicts with Policy QE6 of the Warrington Borough Council Local Plan Core Strategy July 2014 (Local Plan) and the guidance set out in the SPD which seek, amongst other matters, to protect the amenities of the occupiers of neighbouring properties.

Character and appearance

12. Notwithstanding the development's rear extension, a front porch and single-storey side extension have also been added. The front porch is constructed in brick with an entrance door, windows, and a pitched roof. The side extension has a flat roof and extends over the property's original detached side garage, which is predominantly retained. It also extends the full length of the host property and past the property's rear elevation. Its front elevation consists of a garage door and a separate entrance door.
13. The Council considers the scale and style of the porch to be acceptable and I see no reason to disagree with this. However, the contrast in the brick colour

between the porch and the host property is noticeable and, due to its prominent location in the street view, it is an incongruous addition. The appellant provides no justification for using the different brick colour which harms the character and appearance of the host property and the street view.

14. Although the host property did have a detached side garage, based on the provided drawings this was a significantly smaller and more open feature than the development's side extension. While the side extension retains and encloses the original garage and does not project significantly further forward than the original garage, it still, by closing the original gap, substantially increases the ground floor frontage of the host property. The separation and openness of the adjacent substation do little to reduce the dominance this frontage has on the host property and the street view.
15. The Council advises that the side extension is well over the recommended 50% of the width of the original building detailed in the SPD. This supports my finding that the development's side extension is overly large and dominating. The appellant does not dispute the SPD requirement and provides little reason why it should not apply to the development.
16. The combined effect of the development's side and rear extension is a significant increase in the host property's size. The development is not a proportionate addition and does not complement the host building. Its addition harms the character and appearance of the host property.
17. In conclusion, the development harms the character and appearance of the host property and the surrounding area. It conflicts with Policy QE7 of the Local Plan and the guidance set out in the SPD which seek, amongst other matters, to reinforce local distinctiveness and enhance the character and appearance of the local area and harmonise with the scale, proportions, and materials of adjacent and/or existing buildings.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR