



# 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: 22<sup>nd</sup> January 2024**

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**Appeal Ref: APP/M0655/D/23/3322066**

**3B Woodbine Road, Lymm, Warrington WA13 9HT**

- 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 Groark against the decision of Warrington Borough Council.
  - The application Ref 2022/42316, dated 12 September 2022, was refused by notice dated 9 March 2023.
  - The development proposed is the demolition of a rear chimney stack and conservatory to make way for the erection of a two storey side extension.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. 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 it. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that such a course of action would disadvantage no party.

## Main Issues

3. The main issues with the development are its effect on:
  - the character and appearance of the host property and the surrounding area;
  - the living conditions of the neighbouring occupiers at 5 Woodbine Road (No 5) with regard to outlook and whether it would be overbearing; and
  - highway safety, with particular regard to parking provision.

## Reasons

### *Character and appearance*

4. The appeal site is a pitched roof, two-storey semi-detached house within a residential area with a mix of house styles including detached, semi-detached and terraced properties. The properties to its sides have pitched roofs and are two-storey detached and semi-detached. The appeal property has a single-storey conservatory to its side.
5. The proposed development would consist of the demolition of the rear chimney stack and the conservatory, and addition of a two-storey side extension and rear dormer. The extension would be set back from the front and rear

elevations of the host property, extend a similar distance to the side as the conservatory, use similar materials to the host property and have a hipped roof that would have a lowered ridge line.

6. Even with its side conservatory, the appeal site's forward positioning and separations from the neighbouring side properties give it an open and spacious appearance. While there are some architectural variations between the appeal property and neighbouring side properties, they still have a reasonably consistent form and style, with none looking overly dominant.
7. While the proposal's design aims to maintain a degree of subservience and harmonious visual appearance to the host property, it would be a significantly large addition which would substantially reduce the space between the host property and No 5. Notwithstanding that there would be some separation retained, the proposal would still be overly dominant, significantly reduce the openness and create a terracing effect. These adverse effects would be more pronounced when viewed from Hopefield Road due to the road curvature allowing a more direct view of the proposal. Consequently, the proposal would be an incongruous addition which would not reinforce local distinctiveness or the visual amenity of this area. The proposal would adversely impact the character and appearance of the host property and the street view.
8. Design guidance for house extensions is given in the Council's House Extensions Supplementary Planning Document June 2021 (SPD). This advises that extensions should be designed so as not to over-dominate the original house or detract from its character. It further advises that to avoid a 'terracing effect' and retain space around a dwelling, a distance of one metre at first-floor level and above should be retained between the extension and the boundary to the side of the property. While the proposal meets some of the SPD's requirements such as set back and a lower roof ridge line, it does not meet the boundary distance.
9. The appellant draws my attention to some examples of similar developments in the area at 42 Hopefield Road (No 42), 10 Woodbine Road (No 10) and 94 Sandy Lane (No 94), to demonstrate the acceptability of the proposal. However, these are not directly comparable. In the case of No 42 the side property to the extension is part of a terrace and as such the reduction in separation, even with its slight building line and roof change, is not as pronounced and dominant as the proposal. In the case of No 10, the extension is located to an end terraced property and it reduces the separation to a single-storey double garage. It does not appear as pronounced and dominant as the proposal. Concerning No 94, the extension in this case is well set back from the front of the property and it is significantly less prominent in the street view compared to the proposal. Overall, the examples do not change my view regarding the harm I have found with the proposal.
10. In conclusion, the extension would significantly harm the character and appearance of the host property and the surrounding area, contrary to Policy QE7 of the Warrington Borough Council Local Plan Core Strategy (CS) 2014 and the guidance set out in the SPD. These, amongst other matters, seek to ensure that development is designed to reinforce local distinctiveness, enhance the character and appearance of the street scene and harmonise with the scale and proportions of adjacent and existing buildings.

### *Living conditions*

11. As noted above, the host building shares a common side boundary with No 5 and, even with the existing conservatory, there is a wide and open separation between the buildings. The side elevation of No 5 has an access door and several windows. The ground-floor window serves an extended kitchen/dining room and the first-floor windows serve a bedroom. The main parties agree that these are secondary windows.
12. The proposed extension would be located close to the boundary and would substantially increase the side of the building's massing compared to the existing conservatory when seen from No 5. It would significantly reduce the space and openness between the properties and have a significant overbearing impact when looking from the windows of No 5.
13. Even though the windows would be classed as secondary and merit a lesser degree of protection than if they were primary, they provide the rooms, especially the extended kitchen/dining room, with a good level of additional light and outlook. The proposal would significantly compromise the existing light and outlook from these side windows when compared with the current situation, and this would adversely affect the living conditions of the occupiers.
14. The appellant advises that prior to the application, the Council confirmed that the '45-degree rule' detailed in the SPD does not normally apply to direct outlook. It is also stated that the Council highlighted that the impact on the window should be assessed on the basis that it is a secondary bedroom window.
15. However, discussions prior to an application are informal and not binding on any future decision the Council may make. The SPD is only a guide and although it does not rule out side extensions altogether, it does advise that they can significantly impact neighbouring properties in terms of overbearing appearance and loss of daylight. While it provides some helpful guidance on good design principles and other matters of consideration, the appellant provides limited details of the proposal meeting the SPD guidance. As such I see little reason to change my view regarding the harm I have found.
16. I note that the occupants of No 5 have not objected to the proposal. However, the absence of objection does not in itself render the scheme acceptable, and I must determine the appeal on the planning merits of the case.
17. While it is indicated that some of the windows may have originally served non-habitable rooms, the appellant acknowledges that the rooms are now classed as habitable due to subsequent internal room changes. No evidence has been presented to show that these changes were not permitted, and I see no reason that this assessment should not be based on the windows serving habitable rooms.
18. Consequently, the proposal would harm the living conditions of the neighbouring occupiers at No 5 with regard to outlook and being overbearing. It would be contrary to Policy QE6 of the CS which, amongst other matters, seeks new development to respect the living conditions of existing neighbouring residential occupiers in relation to outlook and being overbearing.

### *Highway safety*

19. The proposal would add a third bedroom to the two-bedroom host property. The SPD advises that a two and three-bedroom house should provide two allocated spaces.
20. The appellant has confirmed that the host property's private front paved area provides two spaces and has provided photographic evidence supporting this. I also saw two cars parked in the area without issue on my visit. The proposal would not reduce the available parking area and while dimensions of the car parking have not been provided, I see no reason to doubt two spaces are available.
21. Accordingly, the proposal would provide sufficient on-site parking and not compromise highway safety. It would not be contrary to Policy QE6 of the CS and the guidance set out in the SPD which, amongst other matters, take account of the impact of development on highway safety and ensure development adheres to car parking standards.

### **Other Matters**

22. The appellant considers that the proposal would replace an old and unsightly conservatory and would provide additional living space which would better meet the needs of the household and future occupiers. However, there is little evidence presented to demonstrate that these benefits should outweigh the harm I have found. Accordingly, the benefits do not change my view regarding the proposal.

### **Conclusion**

23. While I have found that the proposal would not compromise highway safety, it would harm character and appearance and adversely affect the living conditions of the neighbouring occupiers at No 5.
24. The proposal would conflict with the development plan when read as whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I conclude that the appeal should be dismissed.

*J Symmons*

INSPECTOR