



Appeal Decision

Site visit made on 10 April 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 18.04.2024

Appeal Ref: APP/D0650/D/23/3334608

32 Cypress Avenue, Widnes, Halton WA8 6SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Gary West against the decision of Halton Borough Council.
 - The application Ref is 23/00289/FUL.
 - The development proposed is a two storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension at 32 Cypress Avenue, Widnes, Halton WA8 6SP in accordance with the terms of the application, Ref 23/00289/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: WA8 6SP/01 Rev A; WA8 6SP/32/02 REV A; and WA8 6SP/32/03.

Preliminary Matters

2. An extant Planning permission¹ was granted in 2022 for a two-storey rear extension to the appeal property, with the first floor set back from the ground floor. The appeal proposal is an amended scheme.
3. The Council has stated in the officer report "Whilst some amenity will be lost by the neighbouring property it is not sufficient to warrant a reason for refusal in this instance." However, the reason for refusal indicates that the proposed development represents an over dominant and overbearing form of development and indicates that the proposal is contrary to Policy GR2 of the Halton Delivery and Allocations Local Plan, March 2022 (LP). This policy concerns the effect of development on the amenity of existing and future occupants. I have therefore considered the effect of the proposal on the living conditions of neighbouring occupants as a main issue.

¹ Planning permission ref. 22/00286/FUL

Main Issues

4. The main issues are the effect of the proposal on:

- the character and appearance of the area; and
- the living conditions of occupants of 30 Cypress Avenue (No 30), with particular regard to outlook.

Reasons

Character and appearance

5. The appeal property is a semi-detached property, attached to No 30. Within the surrounding area there is a mixture of semi-detached and terraced properties. Several of these properties accommodate either single storey or two-storey extensions. Moreover, properties on this side of the road tend to have large back gardens.
6. The proposed two-storey extension would significantly increase the size of the appeal property. However, the ridge height of the extension would be below the ridge of the existing house, the eaves height of the extension would be the same as the existing eaves, and it would be set in from the boundary with No 30. As such, the proposed extension would appear subordinate to the size of the dwelling as first built and would harmonise with the existing building in its scale and proportions. This would be in accordance with paragraph 3.2 of the House Extensions SPD².
7. Although the proposed extension would project a significant distance into the rear garden, the appeal property benefits from a large garden. The footprint to plot ratio would still be relatively low compared to other properties in proximity. Furthermore, whilst some garden space would be lost, the effect would not be harmful, due to the size of the garden. Therefore, the proposed extension would not appear as overdevelopment of the plot.
8. Due to the extension to No 30, the pair of semi-detached properties are currently not symmetric. The appeal property benefits from planning permission for a design that would appear to be largely symmetric with No 30. However, a symmetric design is not required to assimilate with the character of the area, as extended properties in the area are of varied design. Therefore, an asymmetric pair of semi-detached properties would not appear out of character.
9. Overall, I conclude that the proposal would not have a harmful effect on the character and appearance of the area. It would therefore comply with LP Policies GR1 and RD3 which indicate that the design of all development must be of a high quality and proposals for extensions will be supported where they retain the character of the existing property, its setting, and the surrounding residential area.

Living Conditions

10. Paragraph 6.3 of the House Extensions SPD sets out principles for two-storey rear extensions, including that first-floor extensions shall not project more than 2 metres along a shared boundary. The projection of the proposed extension

² Halton Borough Council, House Extensions Supplementary Planning Document, December 2006

beyond No 30's rear elevation would be less than 2 metres. As such, the proposal would be compliant with this section of the SPD.

11. The rear windows of No 30 directly look toward the property's large garden. As such, occupants of No 30 would still enjoy an unbroken outlook over their garden. Whilst the extension would be present in angled views, the proposal would not have a harmful effect on the outlook enjoyed by occupants of No 30.
12. There may be a slight reduction in the amount of daylight experienced within No 30 and its garden due to the proposed increase in built development. However, the reduction would be minimal, given the spacing with properties to the rear and the generally open character of the rear gardens. As such, the limited decrease in the amount of daylight would not have a harmful effect. Moreover, the proposed extension would be located north of No 30. Therefore, the amount of direct sunlight experienced in the property and garden of No 30 would be unaffected.
13. The proposal would not be compliant with the 45-degree rule set out within section 6 of the House Extensions SPD. Nonetheless, this rule applies for single storey extensions and is not conformed with by No 30's existing extension. No 30's extension projects beyond the rear elevation of the appeal property at both the ground and first floor levels by a significant distance. The proposed extension would only project beyond the neighbouring extension at the first-floor level and by less of a distance than the neighbouring extension currently does. Furthermore, No 30's extension is built up to the shared boundary; whereas the proposed extension would be set in from the boundary. The proposal would therefore be an improvement on the existing relationship between the properties.
14. There is currently a level of mutual overlooking of each other's gardens from first-floor windows. This would be expected given the properties are semi-detached. Although the proposal would replace an obscurely glazed window with a clear window which would be sited beyond the rear elevation of No 30, the direct outlook would be over the appeal property's garden. The proposal would slightly increase the sense of overlooking but not to a harmful extent.
15. I conclude that the proposal would not have a harmful effect on the living conditions of occupants of No 30, with particular regard to outlook. The proposal would therefore comply with LP Policies GR2 and RD3 which indicate that all new development must be sited, designed and laid out to avoid detriment to the living environment of existing residential properties; and proposals for extensions will be supported where they will not have a significant adverse impact on the living conditions of occupants of neighbouring properties.

Other Matters

16. Planning is concerned with land use in the public interest rather than the protection of private interests such as the effect of a development on the value of a neighbouring property or the desirability of neighbouring properties. Therefore, the effect of the proposal on neighbouring house prices and their desirability neither weighs in favour or against the proposal.

17. I have found that the development would be appropriate. Therefore, I see no reason why it would set a precedent for unacceptable development elsewhere.

Conditions

18. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the guidance contained within the Planning Practice Guidance and paragraph 56 of the National Planning Policy Framework.

19. Conditions specifying a time limit to implement the permission and the approved plans are required in the interest of certainty. A condition requiring the materials of the external surfaces to match the existing building is required in order to ensure the character and appearance of the area is conserved.

Conclusion

20. For the reasons given above the appeal should be allowed and planning permission is granted.

J Hobbs

INSPECTOR