



Appeal Decision

Site visit made on 3 June 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 03 July 2024

Appeal Ref: APP/M0655/D/24/3340281
288 Liverpool Road, Widnes, WA8 7HT

- 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 P. Mulvihill against the decision of Halton Borough Council.
 - The application Ref is 23/00351/FUL.
 - The development proposed is for a part single and part two-storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposal on
 - (i) the living conditions of the occupants of No. 290 Liverpool Road due to the proximity of the proposal to their side elevation ground floor dining room window; and
 - (ii) the character and appearance of the dwelling and surrounding area.

Reasons

3. The appeal property is a semi-detached two-storey dwelling on the north side of Liverpool Road within a residential area of similar housing.

Living Conditions at No.290 Liverpool Road

4. There is an existing garage to the side of the property which would be redeveloped by the appeal scheme. The proposed two storey side extension by reason of both its width and length would extend the existing property closer to the shared boundary with the neighbouring property, No 290 Liverpool Road.
5. The ground floor of the neighbouring property includes a flank window serving a dining room. The appellant suggests this is a secondary window as there is a kitchen window to the rear elevation. However, given the internal layout of the ground floor, the level of daylight to the dining area would be affected by the proposal.
6. It is acknowledged that the existing situation limits the daylight entering this flank window. However, the proximity of the proposed extension would exacerbate the current situation significantly and therefore adversely affect the

living conditions of occupiers through a loss of light and its overbearing impacts. This conflicts with Policies GR1(2)(f), GR2(1)(a) and RD3(1)(b)(iii) of the Halton Delivery and Allocations Plan (2022).

Character and Appearance - Lack of Outside Access and Bin Storage

7. Policy RD3(1)(g) requires new development to retain outside access to the rear of a property. However, the appeal property currently has no direct outside access to the rear, with access being through the garage.
8. Wheelie bins are currently stored at the front of the property as they are at many other properties along Liverpool Road. Dwellings have sufficient outside frontage areas, set back from the highway, to enable bin storage to be accommodated without causing unacceptable harm to the character and appearance of the dwelling or the surrounding area. The Appellant's suggested design would allow a degree of control without adversely impacting on the character and appearance of the street-scene. I find that in these circumstances the proposal would comply with Policy RD3 in that there would be adequate storage for refuse notwithstanding an absence of outside access to the rear.

Other Matters

9. My attention has been drawn by the Appellant to concerns about the Council's probity in deciding the application, and by a third party to potential neighbour disputes concerning boundaries and drainage. None of these matters are of relevance to the planning issues raised by the appeal scheme.

Conclusion

10. The proposal is acceptable in terms of character and appearance; however, I find the adverse effect on the living conditions of the occupants at No.290 to be the determining issue. I find therefore that the proposal conflicts with the development plan taken as a whole and there are no material considerations including the National Planning Policy Framework that outweigh the harm caused by the proposal. I therefore conclude that the appeal should be dismissed.

A Hartley

INSPECTOR