

Appeal Decision

Site visit made on 24 July 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2024

Appeal Ref: APP/M0655/W/24/3338786

Keate House Residential Home, 7-9 Brookfield Road, Lymm, Warrington WA13 0QL

- 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 M Clarkson of Keate House Residential Home against the decision of Warrington Borough Council.
 - The application Ref is 2023/00158/FUL.
 - The development proposed is two storey extension to the rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Warrington Local Plan 2021/22 - 2038/39 (LP) was adopted in December 2023 after the refusal of the planning application. The LP has superseded the development plan policies referred to in the reasons for refusal. The parties had the opportunity to comment on the implications of this for the appeal through their submissions. I have based my decision on the new LP policies.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, including the significance of the Lymm Conservation Area and a non-designated heritage asset; and the effect on the living conditions of the neighbouring occupiers of 7a Brookfield Road and 38 Eagle Brow, with particular regard to light and outlook.

Reasons

Character and appearance

4. Keate House is a large three storey Victorian building situated on the corner of Brookfield Road and Eagle Brow. Originally a pair of semi-detached dwellings, it is now used as a care home for the elderly. The building is set back from the road within spacious grounds consisting of a parking area to the frontage and northern side, a large garden to the southern side and a smaller rear garden. The boundaries to Brookfield Road and Eagle Brow comprise stone walls with hedges above and mature trees behind.
5. The site is in the Lymm Conservation Area (the CA) which covers a large and varied area. The significance of the CA stems from the many historic buildings and rich diversity of the area, which includes a compact village core and low density suburbs featuring villas set on large plots. The site is in an area

characterised by attractive detached houses, with a sense of space between them, and stone walls, hedges and trees enclosing the gardens. These attributes result in a spacious, verdant character which contributes positively to the CA.

6. I have considered the effect of the scheme in the context of the obligations under the Act¹, which requires special regard to be given to the desirability of preserving the character or appearance of the CA.
7. The LP identifies the property as a locally listed building. The Planning Practice Guidance sets out that there are a number of processes through which non-designated heritage assets may be identified but irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.
8. There is little evidence before me to explain the process by which the building was locally listed. Even so, the building is of sufficient heritage significance to warrant being considered a non-designated heritage asset. The building derives its significance from its character as a pair of high status villas of good architectural quality which reflect surrounding built form and the development of this part of Lymm. An imposing red brick structure it features a well-ordered roof scape with front gable ends, bay windows, decorative door and window surrounds and sliding sash windows. Though extensions have been added, the façade of the building and its appearance as a semi-detached pair have been preserved. It makes a positive contribution to the character and appearance of the CA by virtue of its traditional form and appearance. The separation between the building and the site boundaries, together with the mature trees and hedges within its grounds, contribute to the spacious, leafy character of the CA.
9. The proposed extension would be attached to the existing rear extension. To enable its construction the existing detached garage would be removed. The extension would adopt a hipped roof design the ridge of which would be set well below the main roof of the building. The overall design of the proposal would reflect the existing building, particularly in terms of fenestration and the use of matching materials. Due to its lower roof height and the fall in levels to the rear of the site the proposal would achieve a degree of subservience to the existing.
10. However, the substantial rectangular footprint of the extension would largely infill the rear garden, projecting close to the eastern boundary and also extending well beyond the northern elevation of the building towards the boundary with 7a Brookfield Road. The proximity to these boundaries with little external space around it would result in a cramped appearance. As a result, the proposal would be excessively bulky and over-dominant. It would fail to respect the spacious character of this part of the CA, and the over-development of the site would harm the setting of the non-designated heritage asset.
11. Despite the location of the proposal at the rear and the level of existing screening, the loss of spaciousness would still be apparent from Brookfield Road and from neighbouring properties. The proposal would also be visible in the gap between buildings on Eagle Brow and from Davies Way to the north-east.
12. The appellant has referred to other developments in the CA and elsewhere, where the public benefits outweighed the harm to the heritage assets. Although I have not been provided with the substantive details of these developments, as

¹ Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

single dwelling proposals within different contexts they are not comparable to the appeal scheme, which in any case I have considered on its own merits.

13. I conclude that the proposal would be harmful to the character and appearance of the area and the non-designated heritage asset, and it would fail to preserve or enhance the character or appearance of the CA. Accordingly, the proposal would conflict with LP Policies DC2 and DC6 and the National Planning Policy Framework (the Framework) which seek to ensure, amongst other things, that development sustains and makes a positive contribution to local character and protects and enhances heritage assets. The harm to the CA would be less than substantial. However, this harm still carries great weight in accordance with paragraph 205 of the Framework. The Framework requires that less than substantial harm be balanced against the public benefits of the proposal.
14. The new accommodation includes the provision of nine additional residential rooms and enhanced facilities. The accommodation for the care of the elderly and those with dementia would cater for an aging population. The appellant also contends that the proposal would release hospital space for those who need it, but there is no substantive evidence before me to demonstrate that assertion. Job opportunities would arise through the employment of a small number of additional nursing staff and during the construction phase of the development. Future residents would contribute to the local economy and community.
15. While the evidence indicates a general need for this type of accommodation in the borough, the contribution that the appeal scheme would make towards meeting this need would not be significant. Given the scale of the proposal, I attach only moderate weight to the benefits of the proposal which consequently do not outweigh the considerable weight and importance I attach to the desirability of preserving or enhancing the character or appearance of the CA. Moreover, I have no robust evidence before me to demonstrate that the appeal proposal is the only approach to providing the additional accommodation or that there are no less harmful options available. For similar reasons, the benefits would not outweigh the harm to the non-designated heritage asset.

Living conditions of neighbouring occupiers

16. The appeal site is bordered by 7a Brookfield Road to the north. The rear elevation of No 7a faces east rather than towards the site. Given this orientation it is unlikely the neighbour's rear windows would be significantly affected. An outbuilding is under construction in the neighbour's rear garden. It sits close to the site boundary and there is a high wall separating the neighbour's garden from the site. When completed, this building and the adjacent boundary wall would partly screen the proposed extension from the neighbour's garden.
17. However, the proposal would be located directly to the south of the neighbour's garden, it would project close to the boundary and be of considerable height. It would rise well above the height of the new outbuilding and the boundary wall. Consequently, from the neighbour's garden it would appear as a very imposing feature. Therefore, due to its proximity, orientation and height, the proposal would result in reduced outlook and light to the neighbour's rear garden.
18. 38 Eagle Brow is situated to the south and east of the site. There are habitable room windows to the rear elevation of No 38 which would face towards the blank southern elevation of the proposal. This neighbour's rear garden adjoins

the site and there is a detached garage within the garden which is adjacent to the boundary and sits at a higher level than the site.

19. The neighbour's garage and the high brick wall in between would partly screen the proposed extension. However, the depth and height of the extension are such that it would project considerably beyond the garage and well above the boundary wall. Given the separation distance between the extension and the rear elevation of No 38, it is unlikely that the proposal would significantly overshadow the neighbour's windows. Due to its scale and height however, the development would be a dominant feature seen from the neighbour's windows and rear garden. The enclosing effect it would have on the neighbour's garden and rear windows would diminish their living conditions. Whether or not the windows affected are original, the proposal would be harmful to their outlook.
20. For the reasons given above I find that the proposal would be harmful to the living conditions of the neighbouring occupiers of 7a Brookfield Road and 38 Eagle Brow, with particular regard to light and outlook. Thus, it would be contrary to LP Policy ENV8 and the principles set out in the Council's House Extension Supplementary Planning Document, which seek to protect the living conditions of neighbouring occupiers. It would also conflict with the Framework, where this promotes a high standard of amenity for existing and future users.

Other Matters

21. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age. I have also had regard to the rights conveyed within the Human Rights Act. The proposal would provide accommodation for the elderly and dementia care. However, there is no convincing evidence before me to indicate that the appeal scheme is the only means of achieving the benefits which would result from the proposal. The dismissal of the appeal is a proportionate and necessary response having regard to the legitimate and well established planning objective of preserving or enhancing the character or appearance of conservation areas.
22. Interested parties raise other concerns over the proposal, including its effect on parking and highway safety. However, as I am dismissing the appeal for other reasons, it has not been necessary for me to consider these matters further.

Conclusion

23. For the above reasons I find that the proposal would adversely affect the neighbouring occupiers' living conditions, would fail to respect local character and would cause harm to the significance of the CA and the non-designated heritage asset. This harm is not outweighed by the public benefits.
24. The proposal would not accord with the development plan and there are no other considerations that outweigh this finding. Therefore, I conclude that the proposal is unacceptable and the appeal should be dismissed.

M Ollerenshaw

INSPECTOR