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## Appeal Decision

Site visit made on 28 August 2024 by Darren Ellis MPlan MRTPI

**Decision by Mr R Walker BA HONS DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 November 2024**

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**Appeal Ref: APP/M0655/W/24/3337461**

**76 Ackers Road, Stockton Heath, Warrington WA4 2BP**

- 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 Brian Heywood against the decision of Warrington Borough Council.
  - The application Ref is 2023/00731/FUL.
  - The development proposed is a detached dwelling.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues are the effect of the proposal on a) the character and appearance of the area; b) the living conditions of neighbouring residents and future occupiers of the proposed development with specific regard to privacy; and c) highway safety, with particular regard to car parking provision.

### Reasons for the Recommendation

#### *Character and Appearance*

4. The proposed dwelling would front onto Denbury Avenue. The existing properties follow a defined building line and the frontages are set back to provide car parking and/or front gardens. This lends a pleasant spacious and cohesive feel to the street scene that contributes positively to the character and appearance of the area.
  5. Although the proposed dwelling would broadly align with the existing side elevation of 76 Ackers Road, the new dwelling would be positioned next to 1 Denbury Avenue and there would be a significant gap between it and No 76. As such the proposed dwelling would be seen predominantly in conjunction with the houses along Denbury Avenue. However, it would be sat noticeably further forwards of the building line along Denbury Avenue. Furthermore, the dwelling would be positioned against the rear boundary of the plot, with the garden area situated to the side of the dwelling. The dwelling would therefore appear cramped in its plot and it would disrupt the cohesiveness of the street scene.
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6. Consequently, the proposed dwelling would cause harm to the character and appearance of the area. The proposal would therefore be contrary to Policy QE7 of the Warrington Local Plan Core Strategy (2014) (LPCS) insofar as it requires development to enhance the character and appearance of the street scene and local area.

#### *Living Conditions*

7. While the Warrington House Extensions Supplementary Planning Document (2021) (SPD) is not expressly aimed at new dwellings, the provisions of section 2.2 of the SPD do serve as useful guidance in this case, as they seek to protect the living conditions of neighbouring residents.
8. The distance of 19.5m between the front of the proposed dwelling and the opposite dwelling at 4 Denbury Avenue (No 4) would be less than the minimum 21m distance set out in section 2.2.4 of the SPD. Although the proposed bay windows would allow a wide range of viewing angles, all of the front windows would allow views into the front windows of No 4. The proposal would also allow views from No 4 into the front windows of the proposed property. At such a close proximity, this would cause an unacceptable loss of privacy to both the occupiers of No 4 and to future occupiers of the new dwelling.
9. The proposed dwelling would be sited in close proximity to the side and rear boundaries of the site. However, the proposed first-floor side and rear windows would not serve habitable rooms and, furthermore, the appellant states that these windows would be obscure-glazed, which could be secured by a condition. Although the appeal site is at a higher level than the adjacent properties on Ackers Road, a condition could also be used to secure a suitable boundary treatment to prevent any overlooking from the ground floor windows and door. Overall the proposal would not have a significant adverse effect on the privacy of 76, 78 and 80 Ackers Road.
10. The greater distance and the more oblique angles between the proposed dwelling and Nos 2 and 6 Denbury Avenue would prevent any harmful loss of privacy to these dwellings.
11. Nevertheless, the proposal would cause an unacceptable reduction in the privacy for the occupiers of 4 Denbury Avenue and the future occupiers of the proposed dwelling. As such, it would be contrary to LPCS Policy QE6 insofar as it requires development to not lead to an adverse impact on the living conditions of the occupants of nearby properties and of future occupiers.

#### *Highway safety*

12. During my site visit, on-street parking on Denbury Avenue was common although not excessive and I noted that there were no parking restrictions. However, this was a snapshot in time in the middle of the day, when residents are more likely to be out at work or running errands. Representations from neighbouring properties state that there significantly more vehicles park on the street at other times of the day, and more so on football match days. Although the proposal has a shortfall of one off-street parking space, based on the evidence before me and given the existing levels of on-street parking, I am not satisfied that the proposal would not have an unacceptable effect on highway safety. Consequently, the proposal would conflict with LPCS Policy M1 and

Policy QE6 which require, amongst other things, for development to adhere to parking standards and to not have an adverse impact on highway safety.

### **Conclusion and Recommendation**

13. The Council is not able to demonstrate the supply of housing sites required by the National Planning Policy Framework 2023 (the Framework). Paragraph 11(d)(ii) suggests, in this situation, the most important policies are out of date and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. There would be harm to the character and appearance of the area, the living conditions of the residents of No 4 and future occupiers of the new dwelling, and to highway safety. I give these matters substantial weight. This would also conflict with the Framework, specifically where it is concerned with the appropriateness of design and a high standard of amenity for existing and future users in section 12, and for development to not cause an unacceptable impact on highway safety in section 9. The provision of one additional unit would only make a small meaningful difference to the existing supply. Economic advantages would also arise from the construction and occupation of a new house, although some of these would be temporary and limited again by the scale of the scheme. I would therefore ascribe limited weight to these matters. It is therefore sufficiently clear that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. The presumption in favour of sustainable development does not therefore apply in this particular case.
15. The proposal would be contrary to the development plan and there are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

*Darren Ellis*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

16. I have considered all the submitted evidence and my representative's report and on that basis I dismiss the appeal.

*Mr R Walker*

INSPECTOR