



Appeal Decision

Site visit made on 17 December 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2025

Appeal Ref: APP/M0655/W/24/3348666

30 & 32 Manchester Road, Warrington WA1 4AD

- 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 E Fairclough against the decision of Warrington Borough Council.
 - The application Ref is 2023/00075/FUL.
 - The development proposed is described as 'proposed 2no houses, 30 and 32 Manchester Road, Warrington'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether appropriate living conditions would be provided for future occupiers of the proposal, and maintained for the occupants of properties on Whalley Street, with particular regard to noise and disturbance, the floorspace of bedroom 3, the size of the private amenity space, and privacy; and
 - Whether the proposal makes adequate provision for parking and servicing, with particular regard to highway safety and the living conditions of neighbouring occupiers and the future occupants of the proposal.

Reasons

Living conditions

3. The appeal site adjoins the busy A57 Manchester Road, close to its junction with Church Street in an area identified as within the top 1% of noisiest locations for residential use within England. Accordingly, significant mitigation is necessary to ensure that the future occupants of the proposal are not adversely affected by noise and disturbance from traffic movements.
4. Triple glazed windows are proposed within the front elevations of the dwellings, with double glazed windows on the rear elevations. Subject to such windows being non-opening, with an appropriate mechanical ventilation system, or it being demonstrated that the windows would provide suitable noise attenuation when partially open, I am satisfied that noise would not have an adverse impact on the living conditions experienced within the dwellings. Such matters could be secured through a suitably worded condition.

5. The Council's Environmental Protection advisors indicate, however, that it is not expected that noise levels in the proposed rear yards would meet recommended guidelines unless the boundary wall was increased to a height of 2.4 metres or more. Such a wall would have a significant enclosing and dominating effect within the proposed modest yard area. As such, and in the absence of any technical evidence that demonstrates otherwise, I consider that the enjoyment of the proposed private amenity space, would either be adversely and unacceptably affected by traffic noise, or by the necessary mitigation measures.
6. Policy DEV2 of the Warrington Local Plan (LP) sets out, amongst other things, that the Council will seek to provide dwellings that are appropriately sized and arranged to create well designed homes in accordance with Nationally Described Space Standards (NDSS). The NDSS require that to provide one bedspace, a single bedroom must have a floor area of at least 7.5 square metres and be at least 2.15 metres wide. The undisputed measurements provided by the Council, however, indicates that bedroom 3 of each dwelling would measure approximately 6.4 square metres and 2 metres wide. Bedroom 3, therefore, would be substandard and would feel cramped to the future occupiers. There is nothing before me that would justify such a shortfall from the standard.
7. LP Policy DEV2 also sets out that all new dwellings will be required to have appropriate outdoor amenity space. The supporting text to the policy indicates that standards for outdoor amenity space will be set out in an updated Design Guide Supplementary Planning Document (Design SPD) which the Council anticipates will be adopted in 2024. However, the Design SPD provided with the appeal documents is dated 2010 and does not include any such standards.
8. Although not extensive, the proposed rear yard area would provide sufficient space to be enjoyed by the occupants of the respective properties and utilised for incidental purposes, such as play, sitting out and drying laundry. In the absence of any conflict with adopted standards, I consider the quantity of space would be appropriate for the proposed dwellings even when the requirement to provide bin storage is taken into consideration. Nonetheless, as the rear yards would be adversely and unacceptably affected by traffic noise, they would not provide appropriate outdoor amenity space.
9. The House Extensions Supplementary Planning Document (Extensions SPD) sets out the separation distances that should be achieved between properties to ensure reasonable privacy. Whilst new dwellings, and not extensions, are proposed in the appeal before me, the Extensions SPD, nevertheless, provides useful guidance.
10. The proposed dwellings would back onto the rear elevations of several properties on Whalley Street, some of which have rear extensions. At approximately 17 to 18 metres between the windows to habitable rooms within the rear elevations of the proposed dwellings, and those on Whalley Street, the proposal is significantly below the minimum 21 metres set out in the Extensions SPD. The resultant intervisibility between the proposed and existing dwellings would, therefore, adversely affect the occupants living conditions due to overlooking and loss of privacy.
11. I find, therefore, that satisfactory living conditions for the future occupiers of the proposed development would not be achieved due to the noise and disturbance that would be experienced within the rear yard area, the substandard floorspace of

bedroom 3, and inadequate privacy due to overlooking. In addition, the proposal would not maintain satisfactory living conditions for the occupants of properties on Whalley Street, due to loss of privacy. As such it would conflict with LP Policies DC6, ENV8 and DEV2 which require that development proposals should not result in unacceptable conditions for future occupiers of the development, that it has been demonstrated that appropriate mitigation against noise can be employed, that appropriate space standards are achieved and there is no unacceptable adverse impact on the amenity of neighbouring occupants.

Parking and servicing

12. Adopted parking standards are set out in the Standards for Parking in New Development Supplementary Planning Document. It indicates that the parking standards, for the scale and nature of the proposed development, is 2 parking spaces and visitor parking. The proposal does not meet this standard as provision for only three parking spaces within the appeal site is proposed.
13. The site is in an accessible location with several local amenities within easy walking distance. I also noted on my site visit that there are bus stops nearby on Manchester Road. This suggests that the occupants of the proposed dwellings would not necessarily be fully reliant upon the private car, having access to alternative modes of transport. Even so, should the occupants of the proposed dwellings own two cars, or have visitors, such additional vehicles could not be accommodated on site.
14. On my site visit, which I acknowledge is a snapshot in time, I noted that whilst nearby roads were busy there was on-street parking capacity in the vicinity of the appeal site. However, given that the occupants of the nearby terraced properties rely on on-street parking, it is reasonable to assume that parking demands in the locality will increase at peak times when more people are at home. In the absence of evidence, such as a detailed survey, that demonstrates that there is an oversupply of on-street parking spaces, I am not satisfied that the additional demand generated by the proposal could be accommodated within the public highway without adversely affecting the free flow of traffic and thereby harming highway safety. Furthermore, the development would likely increase competition for on-street spaces, which would result in inconvenience for existing and proposed occupiers to the extent where living conditions would be harmed.
15. The proposed dwellings would be serviced from the rear alley in the same way as existing adjoining properties. I acknowledge that the width of the alley is often restricted due to the parking of vehicles. In addition, there is a 90-degree bend that restricts vehicular movements. Nonetheless, there is no compelling evidence before me that the servicing of the existing properties is problematic or that the introduction of the proposed additional two dwellings would adversely affect the public highway. Consequently, there is no basis upon which to conclude that the proposal does not make adequate provision for servicing, or that it conflicts with LP Policy DC6 which requires that development make adequate provision for the efficient delivery of goods and access for service vehicles.
16. Accordingly, I find that the proposed parking provision would be inadequate and would be harmful to highway safety and to the living conditions of both neighbouring occupiers and the future occupants of the dwellings. I therefore find

conflict with LP Policy INF1 that, amongst other things, seeks to ensure that development does not adversely affect safety or the local community.

Other Matters

17. The appeal site lies close to the Church Street Conservation Area (CA) which is contained by two churches at its extremities and by the gentle curvature of the street. The significance of the CA, insofar as it relates to the proposal, is its linear configuration and different building types and ages.
18. The appeal site and the adjoining residential development form part of the setting of the CA, however the character and appearance of the proposed dwellings would reflect that of the adjoining residential properties. For that reason, I agree with the Council that the development would not lead to harm to, or loss of, the significance of the CA as a designated heritage asset.
19. The appellant states that pre-application advice was sought, and the proposal was amended accordingly. However, I note such advice was given in the context of a different development plan, and in any event, it is not binding on the Council in determining later application.
20. I acknowledge the expressed concerns regarding the Council's conduct during the processing of the planning application, however such matters fall outside of the remit of this decision.

Conclusion

21. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
22. For the reasons given above the appeal is dismissed.

Elaine Moulton

INSPECTOR