



Appeal Decision

Site visit made on 21 January 2025

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/M0655/D/24/3355504

307 Chester Road, Grappenhall and Thelwall, Warrington WA4 2QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms Lucy Muschamp against the decision of Warrington Borough Council.
 - The application Ref is 2024/01032/VARC
 - The application sought planning permission for proposed bedroom extension over existing garage to side elevation without complying with a condition attached to planning permission Ref 2019/35571, dated 18 February 2020.
 - The condition in dispute is No 2 which states that: The development shall be carried out in accordance with the following documents: Submitted drawings; OS Location Plan received 12th August 2019, 10819/3a (floor plans) received 10th February 2020 and 10819/2c received 13th February.
 - The reason given for the condition is: for the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE7 of the Warrington Core Strategy.
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Decision

1. The appeal is allowed and planning permission is granted for proposed bedroom extension over existing garage at 307 Chester Road, Grappenhall and Thelwall, Warrington WA4 2QQ in accordance with the application Ref 2024/01032/VARC, without compliance with condition number 2 previously imposed on planning permission Ref 2019/35571 which was approved on 18 February 2020 and subject to the following conditions:
 - 1) The development shall be retained at all times in the form described/shown in the following documents:

Submitted drawings: Location plan; 20124/2 Rev A: As built elevations (including French windows and proposed balustrade); 20124/3 Rev A: Floor plans, and 20124/4: Plot plan/parking.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows or other openings shall, at any time, be formed within the side (northeastern facing) elevation of the approved extension.
 - 3) There shall be no access at any time to the adjoining flat roofs via the new French doors. The balustrade to be installed across that opening shall be

installed in the approved position within 3 months of the date of this permission and shall thereafter be retained in that position at all times.

- 4) The parking spaces shown on approved drawing number 20124/4 shall be surfaced (where required), laid out in accordance with the details shown on that plan and made available for the parking of vehicles within 3 months of the date of this permission. These works shall include for measures to ensure that surface water does not drain onto the adjoining highway. The spaces shall thereafter be retained at all times solely for the parking of vehicles in conjunction with the enlarged dwelling.

Background and Main Issue

2. Permission was granted in February 2020 (ref: 2019/35571) for a proposed bedroom extension over existing garage to side elevation. The development was completed but failed to comply with the approved plans because French windows had been fitted at the first floor of the rear elevation. In addition, the front elevation of the extension was around 0.1 metres further forward than proposed. A ground floor side extension had previously been constructed and was in place from at least 2015. The appellant seeks to vary condition 2 of the permission by substituting amended plans which include re-hanging the French windows so that they only open inwards and the provision of a balustrade to prevent any access to the adjacent flat roof.
3. The main issue is whether the proposed condition is reasonable and necessary having regard to the effect of the development on the living conditions of the occupants of 309 Chester Road in respect of privacy, outlook and received light; and the occupants of 311 Chester Road in respect of privacy.

Reasons

4. The application subject to this appeal was submitted following completion of the development. The plans indicate the development as built, but include a for the French windows. The proposed balustrade would prevent use of the roof of the rear extension as a balcony. There would be no significant increased loss of privacy for neighbours from this part of the proposal, in view of the sufficient separation distance from any facing windows in neighbouring dwellings, and restriction of views from the French windows by the adjacent rear extension to 307. Moreover, the approved plans included a window in a similar position to that of the French windows which would have allowed some overlooking of neighbouring properties. I therefore find that the proposed the proposed condition to vary the plans is reasonable and necessary and the proposed balustrade to the French windows would reduce the potential loss of privacy for occupants of 311 and 309 Chester Road in respect of privacy
5. The Council's reason for refusal of the appeal application referred to the size and proximity of the extension to the boundary with the neighbouring property of 309 Chester Road and that it would be overbearing to the amenity space of that property. I observed at my site inspection that 309 had very little amenity space, with most of the space being narrow and linear in nature and located along the flank of the dwelling facing the appeal building. The former rear garden of the property had been sold and in different ownership. The amenity space at the side of 309 has a timber fence with a trellis above, beyond which there is a pedestrian access to 309 around one metre in width. The access is separated from the side

elevation of 307 by a low, close boarded timber fence. I am advised that this access is within the ownership of 309. At the time of my site inspection works had commenced on the doorways to 309 which face the side wall of the appeal building. There is a roof light in this single storey part of the building.

6. Although the built extensions are very close to the neighbouring building of 309 and its amenity space, their size, height and proximity were matters established when the 2020 permission was granted approval. The slight discrepancy of the side extension being around 0.1 metres further forward than proposed is insufficient to cause any additional significant harm to the living conditions of the occupants of 309 in terms of outlook.
7. The first floor side extension is less than one metre from the boundary with 309. However, in view of the previous 2020 permission for development, and the proposed measures to prevent use of the rear flat roof, I find that there would be no significant increased harm to the living conditions of the occupants of 309 Chester Road from the development subject to this appeal in respect of increased loss of outlook. I acknowledge that the occupants of 309 consider that they may wish to add a first floor extension to their property and therefore the roof light cannot be relied upon as a source of lighting for the ground floor room. Nevertheless, there would be no increased loss of light from the appeal proposal when compared with the development permitted in 2020. Overall, the development would therefore fail to conflict with policy ENV8 of the Warrington Local Plan concerning the need to protect existing occupiers in the surrounding area from new development and its potential impacts.

Other Matters

8. The Council's House Extensions Supplementary Planning Document provides guidance that the Council normally requires a one metre gap retained to the side boundary for any extensions above single storey level in order to avoid any terracing effect. Although the side extension has been built less than one metre from the boundary with 309 it is set back from the front of the house. The intervening access provides a separation between the side elevations of the two buildings which has therefore not resulted in a terracing effect.
9. Objections have been raised that the 2020 permission was based upon incorrect information about the position of the side boundary with 309 Chester Road. However, I have determined this appeal on the basis of the submitted plans before me.
10. Reference is also made to application Ref 2022/41361, for a first floor side/rear extension and widening of the existing vehicular access and front driveway to provide additional parking area, which was refused by the Council. That proposed development was larger than that subject to this appeal and the extension would have been sited at the front of the building. Therefore, it concerned a different proposal when compared to that before me.
11. These considerations are insufficient reason to outweigh my findings above that the proposal would cause no increase in harm to the living conditions of neighbours at 309 Chester Road in respect of privacy, outlook and received light or loss of privacy for the occupants of 311 Chester Road.

Conditions

12. Conditions for the commencement of development and use of external materials are not necessary as the development is substantially complete. The condition concerning parking spaces is imposed in the interest of highway safety. A condition is included to protect the privacy of neighbours by restricting the insertion of any windows in the side elevation of the extension facing 309 Chester Road.

Conclusion

13. I find that the proposed condition is reasonable and necessary. The appeal is allowed and a revised condition varying the plans is imposed on a new planning permission.

Martin H Seddon

INSPECTOR