
Appeal Decision

Site visit made on 4 March 2025

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th April 2025

Appeal Ref: APP/M0655/W/24/3352224

340 Thelwall Lane, Warrington WA4 1NJ

- 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 Luke Perret against the decision of Warrington Borough Council.
 - The application Ref is 2023/01480/FUL.
 - The development proposed is the retention of dwelling to the rear of 340 Thelwall Lane.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Luke Perret against Warrington Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development in the heading above comes from the LPA's description on their decision notice. The appellant has set out that the LPA changed the description of development unilaterally without their agreement and that the completion of a new planning application form was not requested.
4. The application subject of this appeal was submitted as a householder application with the description '*New planning application to regularise 2020/36854 for a new residential annex to rear of 340 Thelwall Lane*'. The Council sent an invalid letter stating the application was for the retention of a dwelling and requested an additional fee payment. This fee was paid and the Council proceeded to determine the application based on the revised description.
5. The proposed building is a detached structure that is to the rear of the existing dwelling at 340 Thelwall Lane. It would contain all the facilities necessary for independent living, including a living room, kitchen, bedrooms and bath/shower rooms. Furthermore, given the size of the building, with its extensive footprint and accommodation over three floors, as well as a separate red edge, it would not be an ancillary building to the main dwelling. I have therefore considered the proposed development as an independent dwelling.
6. The building subject of this appeal was already in place at the time of my visit. For clarity, I have determined the appeal based on the submitted plans.

Main Issues

7. The main issues are:

- the effect of the proposed development on the character and appearance of the area;
- whether the proposed development provides satisfactory accommodation for its future occupants, with regard to private amenity space;
- the effect of the proposed development on the living conditions of neighbouring residential occupiers with regards to privacy; and,
- the effect of the proposed development on highway safety with regards to car parking provision.

Reasons

Character and appearance

8. The site of the proposed building is to the rear of a terrace, and set amongst a number of garages and other single storey buildings. There is some variety in the built form, although the nearby terraced properties are two storeys in height, with mainly single storey rear additions. Their symmetrical layout and frontages to the street creates a balanced appearance which positively contributes to the character of the area.
9. The proposed building, which is set behind the terrace on Thelwall Lane does not reflect the siting of other nearby properties which face directly on to the street. Although the limited space around the proposed building is not out of place in the immediate area which is characterised by high density terraced dwellings with limited size rear yards, the large size of the proposed building in combination with its siting off a rear alleyway is out of character with the prevailing townscape.
10. I therefore conclude that the proposed development harms the character and appearance of the area. As such, it conflicts with Policy DC6 of the Warrington Local Plan (Local Plan), which requires development proposals to positively contribute to local character and distinctiveness. Reference has been made to the House Extensions Supplementary Planning Document (June 2021), but I do not consider this is relevant to the proposal as it provides guidance for householder extensions and alterations.

Living conditions – future occupiers

11. Although cross section plans have not been submitted, given the large floor area of the proposed building and my site observations of the ceiling to floor heights, the proposal would provide satisfactory living conditions for future occupiers in this respect. The Council's second reason for refusal also references a Building Regulation requirement, but it is not necessary for the planning system to require compliance with other regulatory regimes, and I do not consider the proposal is harmful in this regard.
12. The proposed dwelling has very limited outdoor amenity space. Whilst other terraced dwellings are similarly served by limited outdoor amenity areas in the form of rear yards, this does not negate the need for the proposed dwelling to make satisfactory provision for its future occupants. Whilst the appellant has

referenced the rear yard of the main dwelling at 340 Thelwall Lane being available, the proposal, as an independent dwelling, is required to make its own amenity space provision which is sufficiently private for typical domestic activities such as outdoor recreation or a space to sit out in.

13. Given the above, I conclude that the proposal fails to provide satisfactory living conditions for future occupiers with regard to private amenity space provision. As such, the proposal is contrary to Policy DEV2 of the Local Plan, which seeks, amongst other matters, for all dwellings to have appropriate outdoor amenity space.

Living conditions – neighbouring occupiers

14. The proposal would directly face the rear of the existing dwelling at 340 Thelwall Lane, and as the proposal has a number of windows on its front elevation, it would give rise to overlooking of the existing dwelling at close quarters. Whilst I note the common ownership and occupation currently, for the reasons set out earlier in this decision, the proposal is for an independent dwelling which could be occupied separately with the consequent potential for harmful privacy impacts.
15. I therefore conclude that the proposed development has a harmful effect on the living conditions of neighbouring residential occupiers with regards to privacy. As such, the proposed development is contrary to Local Plan Policy ENV8, which seeks, amongst other matters, for development to not have a harmful impact on amenity.

Car parking provision

16. The proposed development does not identify any off-street parking provision within the site, although the area to the front of the proposed dwelling and the alleyway are being used informally for parking. Although the Council has raised concerns on the suitability of the area directly in front of the proposed dwelling being used for parking, as the appeal site is at the end of the alleyway which doesn't provide a through route, I do not consider such an arrangement to be harmful. I was also able to see that the majority of surrounding dwellings make use of on-street parking provision, and there was sufficient space to accommodate further parking on the nearby highway network.
17. I therefore conclude that the proposal does not have a significant adverse effect on highway safety with regards to car parking provision, and as such, it is not contrary to Policies ENV8 and INF1 of the Local Plan, which seek, amongst other matters, to improve the safety and efficiency of the transport network.

Other Matters

18. In support of the appeal development, the proposed building would allow the extended family to live in close proximity to each other and the proposal has also resulted in the tidying up of a previously unkempt area. An additional dwelling on a site within the existing settlement would furthermore contribute to local housing supply.
19. Reference has been made to an extant permission¹ for an annex on the appeal site. From the information provided, the layout and elevational form of the

¹ LPA Ref: 2020/36854

approved annex is different to the appeal proposal before me which is materially larger. In any event, this permission has expired and can no longer be implemented.

20. A condition has been suggested to restrict the use of the proposed building to one that is ancillary to the main dwelling at 340 Thelwall Lane. For the reasons set out, in relation to the proposed building providing all the facilities necessary for independent living, such a condition would not be enforceable as there would likely be no appreciable change whether it was occupied as ancillary accommodation or an independent dwelling. In relation to a suggested legal agreement to ensure the proposed building remains ancillary, no such agreement is before me. In any event, a planning condition or legal agreement would not overcome the harm that I have identified to the character and appearance of the area.
21. The proposal is in a residential area and as such the principle of residential development is acceptable. This is however a neutral matter and not one which weighs in favour of the development.
22. The appellant has stated that the proposed building was constructed by a family member, who being unfamiliar with the planning system, departed from the approved annex plans. The significant cost implications of remodelling the current structure have also been referenced. I am however required to determine the appeal before me on its planning merits, and having done so, I have found it to be unacceptable for the reasons set out.

Conclusion

23. The proposal has replaced a previously unkempt site and provides an additional dwelling that would be used by the appellant's extended family. These matters weigh in favour of the development, but as the proposal is for a single dwelling, they only attract limited positive weight. There would be no harm arising in relation to highway safety, but this is a neutral matter.
24. I have found that the proposed development is harmful in relation to the character and appearance of the area and in terms of its effect on living conditions. This harm would be long lasting and would be contrary to the objectives of the National Planning Policy Framework (Framework). I ascribe this substantial weight and as such, the benefits would not outweigh the harm identified.
25. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR