
Appeal Decision

Site visit made on 23 May 2025

by **R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 July 2025

Appeal Ref: APP/M0655/W/25/3361298

Land to the North of 58 Phipps Lane, Burtonwood and Westbrook WA5 4EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Woods against the decision of Warrington Borough Council.
 - The application Ref is 2024/01394/OUT.
 - The development proposed is new 3 bed 3-storey house with integral garage and off street parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site location was identified on the planning application form with reference to a grid reference and a description, namely 'previously used (now dis-used) land to the North of No.58 Phipps Lane.' The site address used on the decision notice broadly reflects this and was used by the appellant on the appeal form. I have therefore used the site address from the decision notice in the banner heading above as this more clearly identifies the site.
3. The scheme relates to an outline proposal, with access and scale considered at this stage, and with all other matters reserved for future consideration. The Council has confirmed that an amended plan¹ was submitted before the application was determined but reference to this was omitted in error from the decision notice. As this plan shows those matters which are not reserved, it forms part of the application and has been considered as such.

Main Issues

4. The main issues are the effect of the proposed development on i) the living conditions of the occupiers of 58 Phipps Lane (No 58), with particular regard to outlook; and ii) the character of the area.

Reasons

Living conditions

5. The appeal site is an irregular shaped parcel of land which has a narrow frontage to Phipps Lane and adjoins No 58, a two-storey semi-detached dwelling.
6. Section 2.2.3 of the 'House Extensions Supplementary Planning Document' (2021) (SPD) deals with scenarios where the main outlook from a neighbour's principal

¹ PROP01 Rev A

habitable room faces directly on to a blank elevation of an extension, or outbuilding, of over single storey in height. It requires that a minimum distance of 13m be retained when measured directly from the neighbour's nearest ground floor habitable room main windows to the development. Although this guidance, and that at Section 2.2.1, seeks to ensure development does not have an adverse impact on a neighbour's outlook, it is clear from the title of the SPD and wording of the sections that it provides guidelines for householder extensions or development, and not for new dwellings. As such, it is not directly relevant to the appeal proposal.

7. There is an existing ground floor window on the flank elevation of No 58 which is offset a minimal distance from the boundary of the appeal site, and which serves a kitchen and dining room. From the evidence before me, this is a single room but functions as both a kitchen and dining area with a breakfast bar. Whilst there may be space elsewhere in the dwelling for a separate dining room, this has little bearing on the use of the room in question, and it is not uncommon for rooms to be multi-purpose. In any case, there is no dispute between the parties that a kitchen/diner is defined as a habitable room.
8. In addition to the window on the flank elevation, the kitchen/diner benefits from a window to the rear which the appellant considers is the primary or principal window. I do not have the dimensions of the respective windows before me, but they appear a similar size and both afford outlook from different parts of the relatively long room.
9. The width of the proposed new dwelling, on a narrow plot, means that for most of its depth the two-storey flank is shown as sited right on the boundary of the appeal site, with no stand-off from No 58. A close boarded fence has been constructed on this boundary which to a degree restricts outlook from the flank window. However, because of the lack of stand-off, the flank would nevertheless be very close to this window and would appear unduly dominant and oppressive when viewed from the dining area. It would also be visible above any boundary fencing.
10. Despite the window to the rear, I find the loss of outlook would be to the detriment of the enjoyment of the kitchen/dining area and it would cause significant harm to the living conditions of the occupiers of No 58. Layout is a reserved matter, and the siting of the proposed dwelling is shown as indicative. However, given the narrow width of the appeal site, even if the dwelling were sited on the opposite boundary, it would still have a very minimal stand-off from the boundary with No 58 and the harm to outlook and the living conditions of the neighbours would remain.
11. The appellant has drawn my attention to section 05.2.7 of 'The Warrington Design Guide SPD' (2024) (WDG) which establishes principles for homes and includes privacy and overlooking distances. It states that there should be 21m to neighbour's main facing habitable room windows, with the accompanying diagram (02) showing this as a 'front-to-front' distance. There are no dwellings to the front of the appeal site so there would be no conflict with this guidance. However, the guidance does not explicitly refer to separation distances between flank elevations of dwellings, nor does it give specific guidance in respect of outlook. As a result, it lends little support to the appeal proposal in respect of this main issue.
12. I therefore conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 58 Phipps Lane, with particular

regard to outlook. It would conflict with Policy ENV8 of the Warrington Local Plan (2023) (LP) in so far as it requires good design which ensures no unacceptable adverse impact on the amenity of neighbouring occupants.

Character

13. The appeal site is located at the end of a row of semi-detached dwellings (and a former Methodist Church) on one side of Phipps Lane, up to the corner of Winsford Drive. There is variety in the style, form and detailing of these dwellings, but they have some design quality and are characterised by relatively wide front elevations and wide, open frontages to Phipps Lane. Many have been altered or extended including at ground floor where extensions project very close to the side boundaries of their respective plots. However, there remains regular and generous stand-offs between the semi-detached pairs at first floor and this contributes positively to the open and spacious character of this part of Phipps Lane. Despite the presence of development nearby at a different density, these immediate properties on Phipps Lane form the local character to the surrounding area within which the site is viewed.
14. On its Phipps Lane frontage, the proposed new dwelling would extend across most of the width of its narrow plot, and subject to the final siting, it would have limited, or no standoff, from the boundary with No 58. However, the first floor of No 58 is well offset from its ground floor and, because of this, there would still be reasonable separation between the first floors of the two dwellings. If sited on the common boundary, this would not be as generous as the space between the closest semi-detached pairs, but it would nevertheless reflect the prevailing spacing of dwellings along this side of Phipps Lane. It would further broadly reflect the spacing of the recent housing development on the corner of Phipps Lane and Chapel Lane², to which the appellant refers.
15. The building and ridge height of the proposed dwelling would broadly align with the ridge of the neighbouring semi-detached pair. However, because of the shape of the appeal site which has a narrow frontage, the width of the principal front elevation to Phipps Lane would be only around half the width of No 58. As a result, and due to the tall and narrow proportions of the proposed dwelling, it would appear discordant at the end of a row of semi-detached pairs of dwellings characterised by wide front elevations. Further, although widening to the rear, the proposed dwelling would have a narrow plot and frontage which would be inconsistent with the prevailing pattern of wide plot frontages, characteristic of this end of Phipps Lane.
16. Therefore, although I have found the spacing between dwellings to be acceptable, I conclude that the proposed development would cause harm to the character of the area. It would conflict with LP Policy DC6 which requires, amongst other things, good design which would respect, sustain and make a positive contribution to local character and distinctiveness within the surrounding area.

Other Considerations

17. The appellant considers the appeal site to be 'brownfield' land because it was historically used as a workshop and garages. I note that this historic use is disputed by third parties, but I observed that the site has areas of hardstanding,

² 2019/34399

and an aerial photograph submitted in evidence from 2015 shows it has been used for car parking in the past. Nevertheless, given the harm that I have identified above, paragraph 125 of the National Planning Policy Framework (the Framework) does not lend support to the proposal. This is because it requires planning decisions to give substantial weight to the value of using *suitable* brownfield land within settlements for homes, proposals for which should be approved *unless substantial harm would be caused*.

18. Nonetheless, the appeal proposal would make efficient use of an under-utilised site within the Burtonwood Green Belt Inset settlement boundary, in a location which has good access to public transport and local amenities. The Framework also acknowledges that small-scale development can make an important contribution to economic growth, meeting the housing requirements of an area and supporting existing facilities, often built-out relatively quickly. Although these are benefits of the proposal, given the small scale of the development, I afford them only limited weight.
19. The appellant refers to the proposal enhancing the environment by utilising a site in a poor state and with a noted low biodiversity value. I have no substantive evidence of this before me, but I note that the Greater Manchester Ecology Unit have confirmed that the site would not raise ecological concerns and would qualify for exemption from mandatory biodiversity net gain. The proposal would also provide suitable internal and outdoor space and parking. However, an absence of harm in these respects are neutral factors weighing neither for, nor against, the proposed development.
20. I acknowledge the concerns that have been raised by interested parties, including in respect of the level of traffic and congestion along Phipps Lane during peak times, the safety of the bend in Phipps Lane close to the appeal site, and surface water flooding in the area. However, based on the information before me, I find no harm in these regards. It is noteworthy that the Council came to similar conclusions in relation to these matters.
21. Finally, I acknowledge the concerns that the Council has not sought to work proactively or creatively with the appellant, but there was clearly some communication between the parties during determination of the planning application. In any event, this is not a matter which has a bearing on the appeal, and I have determined the case solely on its planning merits.

Conclusion

22. The proposal conflicts with the development plan as a whole, and material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. For the reasons given, I conclude that the appeal is dismissed.

R Gravett

INSPECTOR