



Appeal Decision

Site visit made on 16 July 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal Ref: APP/M0655/W/25/3363853

2 Ackers Road, Stockton Heath, Warrington WA4 2DH

- 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 S Allcock against the decision of Warrington Borough Council.
 - The application Ref is 2024/01522/FUL.
 - The development proposed is detached dwelling.
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Decision

1. The appeal is dismissed and planning permission for a detached dwelling is refused.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the effect of the proposal on non-designated heritage assets (NDHAs) and trees;
 - the effect of the proposal on the living conditions of occupiers of 2 Ackers Road (No 2) with particular regard to outlook and the provision of daylight;
 - whether the proposed self-build dwelling would be secured by an appropriate mechanism, and the effect on the exemption for Biodiversity Net Gain; and,
 - whether the proposal would provide appropriate living conditions for future occupiers, with particular regard to noise.

Reasons

Character and appearance

3. The appeal site is in a prominent location at the junction between Ackers Road and Chester Road. There are several different types of properties in proximity to the appeal site, including large, detached properties and blocks of apartments. Buildings within the area are not of a consistent design. However, most are set back from the road and include a significant amount of landscaping around them. These factors combine to create a spacious, verdant, and suburban character.
4. The appeal site comprises of an end of terraced cottage, No 2, and its spacious grounds which accommodate several trees, it is also enclosed by a tall boundary hedge. Combined, these aspects contribute to the spacious and verdant quality of the area. No 2 and the other two cottages within the terraced block are locally listed due to their historic interest. These properties date back to at least the 19th

Century and the Council identifies their age and relationship with the road as being particularly important. These properties are therefore NDHAs.

5. The proposal includes the subdivision of No 2's garden and the construction of a two-storey dwelling close to Chester Road. The lower sections of the proposed dwelling would be screened by the boundary hedge which would be retained. Nonetheless, the proposed dwelling would be much taller than the hedge and would be sited forward of other properties along Chester Road, to the north east. Due to its scale and its siting, the proposed dwelling would not be sympathetic to the spacious and verdant character of the area. This harm would be amplified by the appeal site's prominent location.
6. The front elevation of the proposed dwelling would be the north east elevation. This would face toward 15 Chester Road, a neighbouring dwelling, rather than addressing the road. The south east elevation would be a fairly blank elevation, typical of a side elevation, but it would front onto Chester Road from a short distance. Accordingly, the proposed dwelling would not actively address the road, unlike most other properties in the area. As such, it would appear incongruous when viewed within the street scene.
7. None of the trees within the appeal site are the subject of a Tree Preservation Order. Nevertheless, several of them are making a significant contribution to the verdant character of the area. The proposal includes the removal of several trees, including trees T3 and T6, as identified on the Tree Plan¹. Both of these trees are mature and, without evidence to the contrary, are considered to be in good health. These trees in particular are sited close to the site's boundary and are making an important contribution to the verdant quality of the junction. The removal of these trees would result in further harm to the character and appearance of the area.
8. The proposal does not include any alterations to the terraced cottages. Moreover, the second storey of the proposed dwelling would be partially within the roof space and the ridge height would be lower than the cottages. As such, the proposed dwelling would appear subordinate to them. Nonetheless, it would permanently alter the cottages' relationship with Chester Road and the subdivision of the grounds would leave them appearing cramped and at odds with the prevailing character of the area. As the proposed development would permanently alter the important relationship between the NDHAs and the road, and would result in them appearing incongruous, I ascribe moderate weight to the harm that would be caused to them.
9. The Council's Environmental Protection Officer has indicated that mitigation may be possible to ensure that the noise generated from the roads does not harmfully affect future occupiers of the proposed dwelling. Notwithstanding this, they have indicated it is likely this would include an acoustic fencing which is taller than the boundary hedge. The proposed acoustic mitigation is not before me; however, the further loss of vegetation would be harmful to the verdant character of the area. If the acoustic mitigation required the removal of the boundary hedge, this would have a significant harmful effect on the character and appearance of the area.
10. The design of the proposed dwelling includes details such as eaves level dormers, gable end barge board detailing, and stone heads and sills on the windows, the proposed dwelling would also be rendered. Similar features are present on nearby

¹ Drawing Ref. 03/24/TP

properties including the cottages. As such, these features would assimilate within the street scene.

11. Overall, I conclude that the proposal would have a harmful effect on the character and appearance of the area, it would also have a harmful effect on NDHAs and trees within the site. The proposal would be contrary to policies DC2 and DC6 of the Warrington Local Plan 2021/22-2038/39, December 2023 (LP). These policies indicate that the Council will work with developers to actively manage the historic environment by seeking to protect local heritage assets and proposals should respect the local character, amongst other matters. The proposal would also not be in accordance with the Warrington Design Guide SPD, July 2024, where it identifies one of the principles for the layout of development is that buildings are positioned and grouped to respond to the prevailing character of the area.
12. The fifth reason for refusal relating to the effect of the proposals on trees, referred to conflict with LP Policy ENV8. This policy relates to environmental protection. Therefore, it is not directly relevant to this main issue but still falls to be considered as part of the appeal.

Living conditions – neighbouring occupiers

13. The proposed dwelling would be sited to the south of No 2, and it would be set back such that its front elevation would almost be in line with No 2's rear elevation. Due to the tall boundary hedge and the number of trees, the garden area is already gloomy. Whilst some of the trees would be removed, the proposed dwelling due to its scale and massing would further overshadow No 2's rear windows and garden.
14. Within its Officer's Report, the Council has referred to the 45 degree code which is detailed within the House Extensions SPD². This guidance refers to the effect of extensions on neighbouring properties. Therefore, it is not strictly relevant to the appeal proposal. Nonetheless, the principle is the same.
15. The proposed dwelling would break the 45 degree line taken in a horizontal plane from the neighbour's nearest primary habitable room at a distance of less than 12m. With this in mind and given the garden area is already gloomy; I conclude that the proposal would worsen a poor situation and would overshadow the rear windows and garden of No 2 to a harmful extent.
16. As above, the proposed dwelling would be sited behind No 2. It would also only be a short distance from the shared boundary and a fairly blank elevation would face toward No 2. This would result in a large fairly blank expanse being constructed close to the boundary and near to neighbour's windows. Although views of the proposed dwelling from No 2's rear windows would be indirect, due to the orientation, scale, siting, and massing of the proposed dwelling, it would appear overbearing to occupiers of No 2.
17. I conclude that the proposal would have a harmful effect on the living conditions of occupiers of No 2, with particular regard to outlook and the provision of daylight. It would be contrary to LP Policy ENV8 which indicates that the Council requires development to be located and designed so as not to result in a harmful impact on general levels of amenity.

² House Extensions Supplementary Planning Document, June 2021

Self-build and Biodiversity Net Gain

18. Schedule 8 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (the 2024 Regulations) specifies that the biodiversity gain planning condition does not apply in relation to planning permission for development which consists of no more than 9 dwellings, is carried out on a site no larger than 0.5 hectares and consists exclusively of dwellings which are self-build or custom housebuilding.
19. The proposal would be for a single dwelling on a site that is smaller than 0.5 hectares. The appellant has indicated that the proposed dwelling would be a self-build dwelling which they would occupy. I have no reason to doubt the appellant's intention to occupy the proposed dwelling. However, permission runs with the land and there is no mechanism before me which would ensure that the property would be occupied by them. If permission was granted, the Council would have no assurance that the proposed dwelling would not be sold prior to occupation by the appellant. If the proposed dwelling was sold, it would not meet the definition of self-build or custom housebuilding as set out within the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).
20. Without an appropriate mechanism to ensure that the proposed dwelling met the definition for self-build and custom housebuilding, I cannot conclude that it would meet the exemption specified in Schedule 8 of the 2024 Regulations. Therefore, the biodiversity gain planning condition would apply in this circumstance.
21. As the appellant sought to rely on an exemption, there is no evidence to demonstrate that the biodiversity gain planning condition could be met. As such, I could not grant planning permission subject to the statutory condition.

Living conditions – future occupiers

22. Vehicular traffic on Chester Road and Ackers Road generates a significant amount of noise and without mitigation would result in inappropriate living conditions for future occupiers of the proposed dwelling. Notwithstanding this, the Council's Environmental Protection Officer has indicated that appropriate mitigation could be secured. A condition requiring mitigation to be submitted to and agreed with the Council could be attached to any permission. Such a condition would offer sufficient protection for future occupiers living conditions.
23. Although the installation of mitigation measures may cause harm to the character and appearance of the area, this does not fall to be considered as part of this main issue, doing so would in effect double count the harm I have identified earlier.
24. I conclude that the proposal would provide appropriate living conditions for future occupiers, with particular regard to noise. In this regard only, it would comply with LP Policy ENV8 which indicates that developments which are noise sensitive end uses near busy roads will need to demonstrate that appropriate mitigation can be employed.

Other Matters

25. I acknowledge the appellant's comments in relation to the conduct of the Council during the determination of the application. However, these are matters between the appellant and the Council and it is not a matter for my consideration on the acceptability of the appeal proposal.

Planning Balance

26. Paragraph 216 of the National Planning Policy Framework indicates that a balanced judgement will be required having regard to the scale of any harm to a NDHA and the significance of the asset.
27. The proposal would increase the supply of housing in the area and would result in a dwelling in an accessible location. There would also be economic benefits associated with the construction period and related to an increased population living in the area. There would also be environmental benefits through the provision of electric vehicle charging points. Given the scale of the development, I ascribe modest weight to these benefits. The lack of objection from ward councillors, Stockton Heath Parish Council, and the Council's Transport Planning and Development Control department is a neutral factor and neither weighs in favour nor against the proposal. Even when considered in combination, the benefits of the proposal do not outweigh the moderate harm that would be caused to the significance of the NDHAs.

Conclusion

28. The proposal conflicts with the development plan, when read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR