



Appeal Decision

Site visit made on 8 August 2025

by **J D Westbrook BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Appeal Ref: APP/M0655/D/25/3368067

43 Lymmington Avenue, Lymm, WA13 9NQ

- 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 Will Bracegirdle against the decision of Warrington Borough Council.
 - The application Ref is 2025/00134/FULH.
 - The development proposed is the erection of a single-storey extension to the rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed extension on the living conditions of the occupiers of No 41 Lymmington Avenue by way of overshadowing and outlook.

Reasons

3. No 43 is a semi-detached bungalow situated at the western end of Lymmington Avenue, which is a cul-de-sac. It is attached to No 41, and lies to the north of that property. No 43 has been extended to the north and west with single-storey elements to provide additional living accommodation. To the rear of the original property is an open area alongside the boundary with No 41 which continues around behind the original bungalow and its existing extension, and which leads onto an extensive rear garden. The proposed development would involve the construction of an L-shaped extension, wrapping round the existing buildings and filling the gap between those buildings and the boundary with No 41. Its maximum depth would be 7 metres along the boundary, and it would be 3 metres high with a flat roof.
4. Policy ENV8 of the Council's Local Plan indicates that where development is considered to be appropriate but may still have impacts on certain specified environmental considerations, the Council will consider the use of conditions or planning obligations to ensure any appropriate mitigation or compensatory measures are secured. These considerations include the need to respect living conditions of existing neighbouring residential properties in relation to overshadowing, sunlight, daylight, and outlook.
5. The Council's House Extensions Supplementary Planning Document (SPD) indicates that any rear extensions should not over-dominate the neighbouring properties. For a single-storey extension along the shared boundary with an

adjoining house, an extension of 3 metres may be allowed where this is an extension to the original rear elevation. This may be increased if the immediately adjoining property also has an extension along the shared boundary. In addition, the height of an extension will be a factor in assessing the impact on neighbours' amenities. The 45 degree code in relation to neighbouring properties will be applied, such that extensions should be designed so as not to cross the 45 degree line taken in a horizontal plane and measured from the centre point of the neighbour's nearest primary habitable room window.

6. In this case, the proposed extension would run along the boundary with No 43 for 7 metres, with a height of 3 metres. There is an existing single-storey extension along the boundary at No 43, but this is only 1.6 metres deep. Beyond this extension, some 3 metres in from the boundary, is another rear extension projecting approximately a further 2 metres, with a conservatory beyond that. The boundary fence between the two properties is some 1.8 metres high for the first few panels, and then drops to around 1.5 metres in height.
7. The appeal property is situated to the north-west of No 41. As a result, the extension would have some limited impact on sunlight in the late afternoon, but it would not result in significant overshadowing. However, it would project 5.4 metres beyond the rear elevation of the closest extension at No 41, at a height of 3 metres. In the rear elevation of the extension at No 41 is a habitable room window, and the proposed development would, therefore, break the 45 degree code by a significant amount. In addition, it would result in a significant length of unbroken brick wall for over 5 metres beyond the rear elevation at No 41, and this would be at a height over 1 metre above the boundary fence. I consider that this combination of height and depth would represent an over-dominant and overbearing outlook for the occupiers of No 41.
8. The appellant contends that the boundary fence could be raised to a height of 2 metres without express permission, and that the extension at No 41 is already subject to a corridor effect due to the other extensions at that property. In addition, the gardens at both properties are open and extensive. I acknowledge that the land at the rear of the bungalows is extensive. However, there is currently a gap of around 3 metres between the existing building at the rear of No 43 and the boundary. The proposed extension would run along the boundary itself for a further 5.4 metres. This, together with the 1 – 1.2 metre additional height that would result from the proposal, would result in an oppressive outlook from the rear of No 43.

Conclusion

9. In conclusion, I find that the proposed extension at No 43 would result in some overshadowing to the property at No 41, but that this would only be limited. However, by reason of the combination of its length and height, and the fact that it would significantly break the 45 degree code, the extension would result in an overbearing and oppressive outlook to the occupiers of No 41. On this basis, it would conflict with Policy ENV8 of the LP, and with guidance on rear extensions in the SPD. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR