



Appeal Decision

Site visit made on 9 September 2025

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

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/M0655/D/25/3370649

19 Burnside Avenue, Stockton Heath, Warrington, Cheshire, WA4 2AW

- 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 Mrs Lyndsey Clews against the decision of Warrington Borough Council.
 - The application Ref is 2025/00372/FULH.
 - The development proposed is the construction of a single-storey side and rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a single-storey side and rear extension at 19 Burnside Avenue, Stockton Heath, Warrington, Cheshire, WA4 2AW in accordance with the terms of the application, Ref 2025/00372/FULH, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 01 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the proposed extensions on:
 - The character and appearance of the area around Burnside Avenue, and
 - The living conditions of the occupiers of No 17 Burnside Avenue by way of outlook and light.

Reasons

3. No 19 is a semi-detached house situated on the western side of Burnside Avenue, which is a cul-de-sac. It has a full-width, single-storey rear extension, some 3 metres deep with a mono-pitch roof, and a large rear dormer extension with a flat roof. There is a long drive to the side with a wooden garage to the rear. The property has a long rear garden. The proposed development would involve the demolition of the existing rear extension and its replacement with a longer rear extension, a little under 6 metres deep, and projecting around 1.5 metres beyond the existing side extension of the house. It would also wrap around the side, projecting forward 3 metres from the existing main rear elevation of the house.

4. Policy DC6 of the Council's Local Plan (LP) indicates that development proposals should respect, sustain and make a positive contribution to local character and distinctiveness within the surrounding area, having regard to scale, height and massing. Also, they should ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants. Policy ENV8 of the LP indicates that development proposals should respect living conditions of existing neighbouring residential occupiers in relation to overlooking, outlook, light, and overshadowing.
5. The Council's House Extensions: Supplementary Planning Document (SPD) refers to use of the 45 degree code, and states that it must be used to help protect the amenity of neighbouring properties by preventing overshadowing or obstruction caused by large extensions on or close to a boundary. It applies to windows in habitable rooms which include living rooms, dining rooms, conservatories, kitchen/diners or bedrooms, but not a separate kitchen. The SPD notes that most properties can extend up to 3 metres from the original main rear elevation at ground floor level without causing an unacceptable impact on neighbouring property. However, each case will be taken on its merits in relation to this and factors such as orientation and relative positions of the neighbouring properties and windows, including any extensions to these properties.

Character and appearance

6. The Council notes that the existing rear extension and neighbouring extensions comprise lean-to extension additions. It considers that the flat-roof type of the proposed extension, along with an eaves height of around 2.5 metres would not be sympathetic or align well with the characteristics of the existing dwelling. In addition, the Council contends that the proposed side and rear extension in combination, by virtue of the excessive scale, form and massing, with the addition of a 5.85 metre rear projection off the original building line, would be a disproportionate addition that would cause significant harm to the character of the dwelling, and adversely impact the degree of balance currently maintained by the semi-detached pair, and appear incongruous in the street scene.
7. From my site visit, I note that both Nos 19 and 17 have very similar rear extensions in terms of depth, width and height, although there is a difference in their roof slopes. I acknowledge that the proposal would add a little under 3 metres to the depth of the rear extension. However, it would also involve the demolition of the garage, which appears somewhat out of character, and the addition of a narrower side/rear extension which would match the materials and design of the rear element of the extension. The view of the property, in my opinion, would be improved by the replacement of the garage and only the small element of the side extension would be visible in the street scene. It would not appear incongruous.
8. Although the extension would increase the massing of the host property, it would be only at ground-floor level. No 19 has a very long rear garden and, given the size of the plot, I do not consider that the proposal would result in an unacceptable increase in overall scale. Moreover, there would appear to be a number of extensions to houses in the immediate vicinity including large, flat-roofed dormers, single-storey rear extensions, and significant and prominent two-storey side extensions. In the context of the range of designs of extensions in its immediate surroundings, the proposal would not be out of scale or character, and any balance that exists between the extensions at Nos 19 and 17 is to the rear only, such that the proposal would have no significant impact on the appearance of the area.

9. In conclusion on this issue, I find that the proposal would not be harmful to the character or appearance of the area around Burnside Avenue, and that it would not conflict with Policies DC6 or ENV8 of the LP.

Living conditions

10. No 19 lies to the north of No 17, and both Nos 19 and 17 have full-width, single-storey rear extensions of similar depth. The proposed extension at No 19 would project only a little under 3 metres beyond the rear elevation of the extension at No 17. Because of the orientation of the properties, the proposed extension at the appeal property would have little or no impact on the light received by the rear extension of No 17.
11. No 17 has two sets of full height patio doors/windows in the rear elevation of its extension. From the officer's report, it would appear that the nearest windows in the rear elevation of No 17 serve a kitchen, which is not classified in the SPD as a habitable room. It is questionable, therefore, whether the 45 degree rule should be applied in this case. In any event, the proposed extension would project less than 3 metres beyond the rear elevation of the extension at No 17, and would be a little under 3 metres high. Given these modest figures, the orientation of the two houses, and the considerable length of the rear gardens of both properties, I do not consider that the proposal would represent an overbearing outlook for the occupiers of No 17.
12. In conclusion on this issue, I find that the proposed extension would not be harmful to the living conditions of the occupiers of No 17 by way of outlook and light, and it would not conflict with Policies DC6 and ENV8 of the LP, or with guidance on rear extensions and residential amenity in the SPD.

Conclusion

13. My overall conclusion is that the proposal would not be harmful to the character or appearance of the area around Burnside Avenue or to the living conditions of the occupiers of No 17 by way of outlook and light. Accordingly I allow this appeal subject to the conditions set out above.

Conditions

14. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area.

J D Westbrook

INSPECTOR