



Appeal Decision

Site visit made on 5 January 2026

by **R Major BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 January 2026

Appeal Ref: APP/M0655/W/25/3374791

2A Maltmans Road, Lymm, Warrington WA13 0QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr P Webb against the decision of Warrington Borough Council.
- The application Ref is 2025/01103/VARC.
- The application sought planning permission for demolition of existing dwelling. Construction of 1no new self build dwelling without complying with a condition attached to planning permission Ref 2024/01155/FUL dated 15 July 2025.
- The condition in dispute is No.2 which states that:

The development shall be carried out in accordance with the following documents:

(a) The planning application forms, design and access statement and additional information received by Warrington Borough Council on 24/09/2024.

(b) Submitted drawing No's;

The Location Plan

09522 Dwg.No 001 Location Plan

09522 Dwg.No 012 REV O Proposed Site Plan

09522 Dwg.No 013 REV D Proposed Street Scene & Block Plan

09522 Dwg.No 030 REV C Proposed Ground Floor Plan & Elevations

09522 Dwg.No 031 REV A Proposed First Floor Plan

09522-BNG-scheme-015

Supporting documents

Bat Survey (Leigh Ecology Ltd) dated 20th June 2024

ASC Arboricultural Impact Assessment

Tree Survey

CEMP

Self Build letter

2a Maltmans Road, Lymm VERSION 2 - De-minimis Exemption

External-materials-2a-Maltmans-rev-A

- The reason given for the condition is:

For the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy ENV8 of the Warrington Local Plan.

Decision

1. The appeal is dismissed.

Background

2. The original planning permission¹ for a replacement dwelling was granted in July 2025 and included a condition (No.2) requiring the approved development to be carried out in accordance with the plans and documents listed. The appellant submitted a Section 73 (S73) application² to vary this condition, seeking consent for an alternative design for the proposed replacement dwelling. This S73 application was refused by the Council and is the subject of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area and whether it would preserve or enhance the character or appearance of the Lymm Conservation Area (LCA).

Reasons

4. The appeal site lies within the LCA and in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
5. The LCA covers a large and varied area. I observed on site that the special interest and significance of the LCA as a whole is partly derived from its many historic buildings and its compact village core, with surrounding low density suburbs featuring detached dwellings set within large plots.
6. The appeal site lies specifically on Maltmans Road within the Eagle Brow Area of the LCA. This street is characterised by a mix of traditional and more recently built detached houses which are set back from the highway. The set back of the dwellings creates an uninterrupted building line, as well as an open aspect that is free from built development at the front of the properties, on both sides of the highway. The dwellings are also sited within spacious plots, enclosed by a mix of stone walls, hedges and trees.
7. These characteristics together create a sense of space between the buildings and the highway, as well as providing a pleasant, verdant and suburban character to this street, which contributes positively to the LCA as a whole.
8. Whilst the existing dwelling on the appeal site is a more modern construction in comparison to the other properties on this side of Maltmans Road, its central position within the plot; its set back from the highway; and its front stone boundary wall with hedging, together result in the appeal site exhibiting the defining and attractive characteristics of this street and this part of the LCA.
9. The appeal proposal seeks to remove the attached garage from the side of the previously approved dwelling and erect a detached garage to the front of the proposed dwelling. The proposal also seeks to slightly reposition the dwelling within the plot and make some alterations to its side elevation.
10. The principle of the replacement dwelling has already been established by the approval of the original planning permission. The Council's Officer Report raises no objection to the siting, design and appearance of the proposed replacement

¹ LPA Ref: 2024/01155/FUL

² LPA Ref: 2025/01103/VARC

dwelling, or the slight alterations proposed to the side elevation resulting from the removal of the attached garage. From the information before me, and my observations on site, I see no reason to disagree with these assessments.

11. However, the Council's concerns relate to the siting of the proposed detached garage to the front of the proposed replacement dwelling.
12. In this regard, the Council's House Extensions Supplementary Planning Document (2021) (House Extensions SPD) states (at paragraph 2.1.1) that the space around dwellings can be an important element in establishing and retaining the character of an area. It goes on to state that development should not normally project beyond the main front / street facing elevation of the house, and outbuildings, including detached garages, will not normally be acceptable in front of the main street facing elevation of a house.
13. Paragraph 2.1.2 of the House Extension SPD clarifies that any detached garage will be treated in the same way as other extensions and proposals should not dominate the property or be intrusive in the street scene. Paragraph 2.6.6 states that outbuildings positioned between the main house and the highway are likely to appear intrusive in the street and boundary fencing or planting is not likely to be accepted as a mitigating factor in these instances. Furthermore, The Warrington Design Guide SPD (2024) (Design SPD) states (at A.1.1.2) that garages must not dominate the street scene.
14. As detailed, the proposed garage would be set forward of the front / street facing elevation of the proposed replacement dwelling. Whilst there is space to physically accommodate the garage in this location, it would sit well beyond the established building line of the properties on this side of the street. The built form of the garage would erode the established openness and spaciousness that is currently afforded to the front of the properties on Maltmans Road. I find the detached garage would consequently represent an unsympathetic, dominant and incongruous addition to the street scene.
15. In coming to this view, I acknowledge that the existing vegetation at the front would provide some screening, especially when viewed from Brookfield Road. However, and as mentioned, the House Extension SPD states that boundary planting is not likely to be accepted as a mitigating factor. In any case, based on my observations on site, I find the higher sections of the proposed garage's walls and roof would be visible above this front boundary treatment, resulting in a prominent, visual intrusion when viewed from various locations along Maltmans Road. I therefore find that the proposal would have a harmful impact upon the character and appearance of the street scene and this part of the LCA, which I noted during my visit was used by pedestrians to access a nearby park.
16. Paragraph 212 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. Paragraph 213 of the Framework states that any harm to the significance of a designated heritage asset should require clear and convincing justification.
17. In this regard, my attention has been drawn to other examples of garages and outbuildings situated between dwellings and the highway within the wider area, a number of which are also within the LCA. However, and notwithstanding that each application must be judged on its own individual merits, I have not been provided

with all the planning history details of these other outbuildings. Furthermore, none of these other examples are located on the same street as the appeal proposal, which as detailed earlier currently has an established building line and sense of openness, free from built development, between the dwellings and the highway.

18. As such, I do not find these other examples of outbuildings provide clear and convincing justification for the identified harm that would be caused from the proposed development to the significance of this designated heritage asset in this location.
19. I therefore conclude that the proposal would have an unacceptable impact upon the character and appearance of the immediate surrounding area and would cause less than substantial harm to the significance of the LCA as a whole, with the level of harm being at the lower end of that spectrum. Nevertheless, mindful of my statutory duty, I give this harm considerable importance and weight.
20. Paragraph 215 of the Framework requires that where a proposal would lead to less than substantial harm to a designated heritage asset, the harm should be weighed against the public benefits of the proposal.
21. Within the rear area of the appeal site is a Victorian coach house and the appellant details how the approved development would obscure views of this coach house from the street. The appellant contends that the appeal proposal, due to the proposed relocation of the garage, would provide better public views of this coach house and the trees along the canal.
22. Whilst I acknowledge that the appeal proposal would afford greater views of the coach house and these trees in comparison to the previously approved development, I am not convinced that the appeal scheme before me is the only way that greater views of the coach house building and trees could be provided. Furthermore, and in any case, I do not find the public benefit of providing greater views towards the coach house and trees outweighs the identified visual harm that would be caused from the proposed location of the garage to the front of the replacement dwelling.
23. The appellant has also referred to the appeal proposal providing better access to the coach house and reducing shade to a patio area. These however are private benefits for occupiers of the development site, rather than public benefits.
24. Consequently, I find that the public benefits do not outweigh the considerable importance and weight I must attach to the special attention that I must pay to the desirability of preserving or enhancing the character or appearance of the LCA.
25. In view of all the above, I conclude the proposal would harm the character and appearance of the area and it would not preserve or enhance the character or appearance of the LCA. The proposal would therefore be contrary to policies DC2 and DC6 of the Warrington Local Plan 2021/22-2038/39 (2023), which together seek, amongst other things, to conserve or enhance the historic environment and promote good design by respecting, sustaining and making a positive contribution to local character and distinctiveness within the surrounding area.
26. The proposal would also fail to satisfy the requirements of the Act and the relevant sections of the Framework, as well as the relevant guidance contained within the House Extension SPD and Design SPD, which I have set out above.

Conclusion

27. I conclude that the proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

R Major

INSPECTOR