To: Members of the Development Management Committee

Councillors:

Chair – T McCarthy
Deputy Chair – J Richards
B Axcell, B Barr, D Earl, G Friend, T Higgins, L Hoyle, C Jordan, L Ladbury, F Rashid, G Settle

17 August 2011

Development Management Committee
Thursday, 25 August 2011 at 6.30pm

Council Chamber, Town Hall, Sankey Street, Warrington

Agenda prepared by Julie Pickles, Democratic Services Officer – Telephone: (01925) 443212, Fax: (01925) 656278, E-mail: jpickles@warrington.gov.uk

A G E N D A

Part 1

Items during the consideration of which the meeting is expected to be open to members of the public (including the press) subject to any statutory right of exclusion.

Item

1. Apologies for Absence

To record any apologies received.
2. **Code of Conduct - Declarations of Interest**

Members are reminded of their responsibility to declare any personal or prejudicial interest that they have in any item of business on the agenda no later than when the item is reached.

3. **Minutes**

To confirm the minutes of the meeting held on 14 July 2011 as correct records.

4. **Consideration of Conservation Area status for Stafford Road Warrington**


5. **Results of Planning and Enforcement Appeals**

Report of the Executive Director Environment and Regeneration Services.

| 5.1 | 21 Melrose Avenue, Warrington |
| 5.2 | Land adj 45 Mill Lane, Lymm |
| 5.3 | 51 Walton Road, Stockton Heath |
| 5.4 | 57 Applecross Close, Birchwood |
| 5.5 | 75 Snowberry Crescent, Warrington |

**Part 2**

Items of a "confidential or other special nature" during which it is likely that the meeting will not be open to the public and press as there would be a disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.

**NIL**
If you would like this information provided in another language or format, including large print, Braille, audio or British Sign Language, please call 01925 443322 or ask at the reception desk in Contact Warrington, Horsemarket Street, Warrington.
DEVELOPMENT MANAGEMENT COMMITTEE

14 July 2011

Present: Councillor T McCarthy (Chair)
Councillors B Barr, D Earl, G Friend,
T Higgins, L Hoyle, C Jordan, L Ladbury,
J Richards and G Settle

DM 13 Apologies for Absence

Apologies for absence were received from Councillor B Axcell and Councillor F Rashid.

DM 14 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor J Richards</td>
<td>DM</td>
<td>It was noted that Cllr Richards knew the owner of the farm land where the turbine was proposed to be sited</td>
<td>Cllr Richards left the table, he took no part in the discussion or decision making process</td>
</tr>
</tbody>
</table>

DM 15 Minutes

Resolved,

That the minutes of the meeting held on 30 June 2011 were agreed as a correct record and signed by the Chair.

DM 16 Planning Applications

Resolved,

That -

1. pursuant to the Town and Country Planning Act 1990, Planning (Hazardous Substances) Act 1990 the applications for permission to develop land be considered and dealt with in the manner agreed and entered into the Planning Register;

DM 17 2011/17711 - Land adjacent to the M62, Causeway Bridges Farm, Alder Lane, Burtonwood, Warrington, WA5 4BN - Proposed installation and operation of one 50m high wind turbine (77m total height with blades) and associated infrastructure (including switchgear house, access track, temporary construction compound and hard standing)
The Executive Director of Environment and Regeneration submitted the above application with a recommendation of conditional approval.

It was noted that this application had been deferred from 1 June 2011 meeting of Planning Application Sub-Committee for clarification of submitted technical information; Members had visited the site on 27 May and 8 July 2011.

Representations were heard in support of and against the officer recommendation.

Resolved,

That Application 2011/17711 be approved as recommended.

DM 18 2011/18004 – Lowes Farm, Kenyon Lane, Warrington, WA3 4AY - Proposed 20.35m high 10kW wind turbine - hub height 15m, blade height 4.8m (resubmission of application 2010/16810)

The Executive Director of Environment and Regeneration submitted the above application with a recommendation of refusal.

It was noted that this application had been deferred from 11 May 2011 meeting of Planning Application Sub-Committee to enable a site visit to take place; Members visited the site on 8 July 2011.

Representations were heard in support of and against the officer recommendation.

Resolved,

That Application 2011/17711 be refused as recommended in the report and additionally for the visual impact on the green belt

DM 19 2011/18014 - Walnut Tree Farm Northwich Road Warrington - Proposed installation of one 25m high wind turbine to the west of Walnut Tree Farm to generate and supply Walnut Tree Farm with renewable energy

The Executive Director of Environment and Regeneration submitted the above application with a recommendation of conditional approval.

It was noted that this application had been deferred from 11 May 2011 meeting of Planning Application Sub-Committee to enable a site visit to take place; Members visited the site on 8 July 2011.

It was reported that this application had been withdrawn from the agenda.

Resolved,
That Application 2011/18014 be withdrawn from the agenda

DM 20 2011/18130 - Land to the rear of, Tesco Extra, Manchester Road, Warrington, WA1 3NJ - Proposed application for Four, one bedroom apartments. Four, one bedroomed duplex apartments. Four, two bedroom duplex apartments with associated parking & cycle store

The Executive Director of Environment and Regeneration submitted the above application with a recommendation of conditional approval.

It was noted that this application had been deferred from 11 May 2011 meeting of Planning Application Sub-Committee to enable a site visit to take place; Members visited the site on 8 July 2011.

Representations were heard in support of and against the officer recommendation.

Resolved,

That Application 2011/18130 be approved subject to additional conditions

Signed…………………………

Dated .. ……………………..
1. **SUMMARY PAPER – REPORT ON:**  
   Consideration of Conservation Area status for Stafford Road Warrington

2. **Purpose of the Report:**  
   To appraise members of consideration given to a request for to designate a conservation area

3. **Recommendations:**  
   That the report is noted and members note the decision of the Executive Director for Environment and Regeneration **not** to convey conservation area status for the Stafford Road area.

4. **Reason for Recommendation:**  
   That after careful appraisal and consideration the designation of conservation area status is not merited in this instance.

5. **Confidential or Exempt:**  
   The information contained within this paper is not confidential

6. **Financial Considerations:**
   These are considered at Section 7. There have been limited costs in carrying out the appraisal. No further costs will be incurred as a consequence of the decision which has been made.

7. **Risk Assessment:**
   None required

8. **Equality Impact Assessment:**
   Not applicable
9. **Consultation:**
Local members, local residents and an adjoining land owner have been made aware of the consideration of conservation area status

<table>
<thead>
<tr>
<th>Name</th>
<th>Consulted</th>
<th>Date Consulted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Executive Board Member</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>SMB</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Relevant Strategic Director</td>
<td>Yes</td>
<td>Aug 2011</td>
</tr>
<tr>
<td>Solicitor to the Council</td>
<td>Tim Date</td>
<td></td>
</tr>
<tr>
<td>S151 Officer</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Relevant Assistant Director</td>
<td>Yes</td>
<td>Aug 2011</td>
</tr>
</tbody>
</table>

11. **Background Papers:**
Planning application 2011/17636
Stafford Road Conservation Area Appraisal Report April 2011

**Contacts for Background Papers:**

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Groves</td>
<td><a href="mailto:jgroves@warrington.gov.uk">jgroves@warrington.gov.uk</a></td>
<td>01925 442805</td>
</tr>
</tbody>
</table>
Meeting of the Development Management
Date: 25 August 2011
Report of Executive Director Environment and Regeneration
Author: John Groves
Contact Details: jgroves@warrington.gov.uk 01925 442805
Ward Members: Cllrs McLaughlin and G Welborn

TITLE OF REPORT:
Consideration of a request for conservation area designation at Stafford Road
Warrington

1. PURPOSE

1.1 To enable members to consider and to note the decision not to designate a
conservation area.

2. INTRODUCTION AND BACKGROUND

2.1 An application for planning permission for an extension to a dwelling prompted
neighbour objection. Objection raised a number of issues and questions
including a request to list the property subject of the application and to consider
conservation area status of the wider area.

2.2 The proposed development raised legitimate concern over the impact of the
development on residential amenity. The applicant was advised of concerns and
withdrew the application prior to determination. Subsequently development
carried out as permitted development has been commenced.

2.3 English Heritage considered a request to list the building which was subject of the
planning. It was concluded that the building was not a suitable subject for listed
status.

2.4 There was credibility in consideration of designation as a conservation area.
Stafford Road is a small group of buildings build prior to the construction of the
Manchester Ship Canal which has produced a small enclave of distinctive
residential properties. In order to progress consideration it was concluded that it
would be appropriate to brief an independent specialist to provide a conservation
area appraisal in line with English Heritage guidance. Urban Vision were able to
meet the requirements of the brief and provided the required appraisal which
forms the basis of deliberation within this report.

3. PLANNING HISTORY
3.1 There have been various applications for relatively minor alterations and extensions for properties on Stafford Road culminating in application 2011/17636, relating to 23 Stafford Road which proposed extension to the existing dwelling. As described above this application was considered to impact on amenity and to raise issue with policy within the Warrington Unitary Development Plan which addresses such issues (HOU13).

3.2 Other development and alterations to properties in Stafford Road has been implemented over a number of years as permitted development or as work which does not constitute development in terms of planning controls.

3.3 Stafford Road forms part of the southern boundary with the former G&J distillery site. Until recently the area was dominated by the large bottle store fronting Wilderspool Causeway. This building has now been demolished in line with the planning permission granted for residential development of the site.

3.4 Parts of the surrounding area are already designated as conservation area. Some buildings are listed. The area around China Lane and the former Greenall’s Brewery are significant heritage assets in the area.

4 THE CONSERVATION AREA APPRAISAL

4.1 The appraisal document sets out the terms of reference recognises the prompts for consideration and the guidance provided by English Heritage. No fixed boundaries were established in the brief and consideration is given as to the extent of any area which may or may not be appropriate for consideration.

4.2 The Cheshire Historic Environment Record was utilised to assess the history and context of the area and its evolution. Survey work was undertaken on the ground.

4.3 The appraisal notes the distinctive character of the area which results from the retention of buildings without demolition or removal of original structures. It is noted however that the properties have been altered. Few have retained original windows and a number have additions such as satellite dishes. Boundary treatments have been altered and are inconsistent. Properties have a variety of garages and other ancillary buildings. The situation of the buildings has been altered as a consequence of the construction of the Ship Canal and the subsequent treatment to the Black Bear Canal. The properties are prominent from the linear park on the line of the now filled canal but are principally access from what would have been the rear elevation.

The report concludes
Agenda Item

“With the lost principal aspect to the south east and the damage to the domestic entrances and boundary treatment along the street frontage (north west) any townscape merits of this area as either a set piece or group of designed housing has been lost and therefore does not warrant designation as a conservation area.

The special interest is largely concerned with these houses and villas in terms of their individual architectural merit. Whilst individually these buildings are attractive and for a industrial town of this period in the north west, quality examples of attractive middle class housing, individually house holders have failed to conserve the original quality materials that would warrant the implementation of greater protection through conservation area designation. Windows have extensively and unsympathetically been replaced, boundary treatment dismantled and satellite dishes installed.”

5 CONSULTATION

5.1 The process for appraisal for the designation of a conservation area does not include any formal statutory consultation or publicity. If it is determined that designation is appropriate then a formal process of publicity has to be followed.

5.2 Engaging the local community is however correctly encouraged and supported in the guidance provided by English Heritage. In this case consideration has been prompted by residents occupying the properties concerned. Copies of the appraisal have been made available to residents, local Councillors and the developer of the adjoining site and comments have been invited.

5.3 A letter received from one resident expresses concern over the basis for any conservation area designation and reflects on the extensive alterations already carried out by many and the basis for designation as a method of preventing development by others.

5.4 A group of seven further residents – some from the same households comment as follows

The area has an almost semi-rural character and is unique in its orientation, aspect and location. This is the main reason for our interest in conserving the street. It is a unique street in Warrington. The street is unique and has in structure retained most of its original features. This is worthy of conservation.

The erosion of Boundary treatment is exaggerated. The original sandstone fencing along the front of the properties is, by and large intact, though hidden by overgrowth due to lack of pruning and maintenance of trees, shrubs and undergrowth between Stafford Road and Black Bear Park.
Agenda Item

For 5-6 months of the year, the facade of Stafford Road is a charming and integral part for the users of Black Bear park, and therefore of wider interest than just the residents of the street. Indeed, there have always been trees along the Canal side of the street.

Many original features have been lost and damage has been done to many of the houses. In itself this is not an argument against conservation. Conservation is not an end, but a means to an end. It should be a framework under which the area could be enhanced.

Residents would not be willing to or interested in a Conservation scheme that will force us to replace, when needed, windows with single glazed sash windows. We find this an unacceptable misbalance between conserving the street and conserving planet (and health).

What we (the residents) would like to propose is a scheme that:

1. All future external alterations to be done in keeping with the style of the period the houses were built, but with sensible ecological alterations (i.e. double glazed sash windows to be put in when windows need replacing). The intention of the title deeds to be upheld (The Council has previously given building permission to projects that have not been in line with title deeds)
2. Surrounding trees to be preserved.
3. Boundaries to be gradually re-established in accordance with style and period. This includes the pavement.
4. All external structures to be designed under guidance of the planning office.

5.5 Councillor McLaughlin has contributed to deliberation on this matter, recognising both positive and negative aspects indentified in the appraisal. In general the Councillor supports designation as a conservation area and further advocates use of powers under Article 4 of the General Permitted Development Order to introduce specific controls over those additions and works to buildings which have been noted as diminishing the architectural and design qualities of the area.

6 CONCLUSIONS
Agenda Item

6.1 It has been concluded that the appraisal correctly suggests that the area of Stafford whilst attractive and exhibiting characteristics which should be retained is not of sufficient status or quality to merit conservation area designation. This decision is made under powers delegated to the Executive Director and members are asked to note that conclusion.

6.2 Whilst the threat of development considered by some residents to be potentially detrimental to the area has been the prompt for consideration of designation the matter is of limited significance in the appraisal. Correctly the qualities of the area and the need for additional levels of control and protection form the key elements to the decision not to designate. It is worthy of note that even with conservation area status, permitted development rights would remain, although reduced in scope. Conservation area status may give access to some positive controls but would not automatically require remedial actions to remove those aspects of historic alteration and modification which have to some extent diminished the qualities of the area.

6.3 Consideration could be given to the imposition of an Article 4 direction. This could control window design, colour and form of paintwork. Such a direction effectively means that a greater range of development requires planning permission. Permitted development rights are removed. It is considered however that in this case the same tests should be applied as for designation of a conservation area. It would only be in circumstances where it is concluded the qualities of the area require specific protection that Article 4 powers would be appropriately invoked. It should be noted that the use of Article 4 directions can trigger compensatory payments for those who are affected/restricted by the effect of the direction.

7 FINANCIAL CONSIDERATIONS

7.1 There are no significant financial considerations flowing from this decision. There have been some small costs incurred in producing the appraisal, but these are not disproportionate to consideration of a legitimate request to assess the scope for designation. There would be limited costs associated with designation as a conservation area, largely attributable to advertising the proposed designation. As noted above the imposition of further control and restriction through an Article 4 direction would potential involve compensation payments but this is not considered likely to be at a level which would otherwise inhibit use of such controls.

8 RISK ASSESSMENT

8.1 There are no significant risks resulting from this decision.
9 EQUALITY IMPACT ASSESSMENT

9.1 There are no aspects of this case which require an Equality Impact Assessment

10 RECOMMENDATION

10.1 That the report is noted and members note the decision made.

11 BACKGROUND PAPERS

Planning application 2011/17636
Stafford Road Conservation Area Appraisal Report April 2011
WARRINGTON BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE
25th August 2011

Report of the: Strategic Director Environment and Regeneration Services
Report Author: Michael Davies – Principal Planning Officer
Contact Details: Email Address: mdavies@warrington.gov.uk
Telephone: 01925 442813

Ward Members:

1. SUMMARY PAPER – REPORT ON:
   Results of Planning and Enforcement appeals.

2. Purpose of the Report:
   To advise members of the results of appeals.

3. Recommendations:
   To note the reports.

4. Reason for Recommendation:
   To inform Members of the results of appeals.

5. Confidential or Exempt:
   Not applicable

6. Financial Considerations:
   None.

7. Risk Assessment:
   Not required.

8. Equality Impact Assessment:
   No equality impact assessment is considered to be required.
9. **Consultation:**

Not relevant

10. **Clearance Details (Record of clearance of report):**

<table>
<thead>
<tr>
<th>Name</th>
<th>Consulted</th>
<th>Date Consulted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Executive Board Member</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SMB</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Relevant Strategic Director</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Solicitor to the Council</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>S151 Officer</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Relevant Head of Service</td>
<td>Peter Taylor</td>
<td>Yes 11.08.11</td>
</tr>
</tbody>
</table>

11. **Background Papers:**

Planning application and appeal documents

**Contacts for Background Papers:**

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peter Axford</td>
<td><a href="mailto:paxford@warrington.gov.uk">paxford@warrington.gov.uk</a></td>
<td>01925 442827</td>
</tr>
</tbody>
</table>
APPLICATION REF: 2011/17808
APPEAL REF: M0655/D/11/2153536

LOCATION: 21 Melrose Avenue

DESCRIPTION: Provision of two extra bedrooms in roof space and raising roof level and building walls to new height at rear of property

DELEGATED DECISION: Refuse

APPEAL DECISION: Dismiss

MATERIAL CONSIDERATIONS:
Impact on character and appearance of host dwelling and surrounding area; Impact on living conditions of occupiers of 10 Eastwood Road with regard to outlook and privacy.

INSPECTOR’S FINDINGS:
- Disagree with the Council that proportions, design and scale would fail to harmonise – there is already a wide variety of extended properties in the area
- Although highly visible on a corner plot, this factor in itself is not a significant concern
- Increase in roof height and formation of a new first floor rear elevation in line with the existing rear elevation would give the appearance of a 2 storey dwelling when seen from the side and rear facing windows and garden of 10 Eastwood Road
- Given the close proximity of the two dwellings, the extended property would be unacceptably dominant and overbearing, resulting in an oppressive outlook
- The three new bedroom windows would directly overlook the fairly private rear garden and side-facing dining room window of no 10, resulting in overlooking and loss of privacy
- Applicant says any potential for overlooking could be overcome by fitting obscure glazing to the proposed bedrooms. But these would be the only windows serving these rooms, so this would not be appropriate or reasonable
STRATEGIC DIRECTOR OF ENV & REGEN COMMENTS:
- Inspector upheld the reason for refusal relating to overlooking/loss of privacy, but did not agree that the extension would be visually harmful, despite its prominence

UNITARY DEVELOPMENT PLAN
- DCS1; DCS9; HOU8; HOU13;
- SPG – “Roof Extensions and Dormers” and “House Extensions”
WARRINGTON BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
25th August 2011  

REPORT OF THE STRATEGIC DIRECTOR OF ENVIRONMENT AND REGENERATION  
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS  

APPLICATION REF:  2011/17061  
APPEAL REF:  M0655/A/11/2148138  

LOCATION:  Land adj 45 Mill Lane, Lymm  

DESCRIPTION:  Proposed demolition of existing industrial building and erection of one detached dwelling (resubmission of application 2010/16608).  

OFFICER RECOMMENDATION: Refuse  

COMMITTEE DECISION: Refuse  

APPEAL DECISION: Dismiss  

MATERIAL CONSIDERATIONS:  
Green belt  
Housing land supply  

INSPECTOR’S FINDINGS:  
• Site is partly within the settlement boundary of Heatley, which is a green belt village (policy GRN5) – where limited infill of small breaks can be permissible  
• Agree with Council’s appraisal that site is not infill, and that the concession offered by GRN5 does not apply in this case  
• Main issue is the implication for availability of housing land  
• Site is occupied by an industrial building with access, last used by a local building company  
• Proposal involves demolition of the building, the erection of one dwelling using the existing shared access - and retention of the rear portion in a semi-natural condition  
• The proposed dwelling would add unnecessarily to the supply of housing land, in conflict with policies HOU1 & HOU2 and with the Strategic Housing Land Availability Assessment for 2010  
• Applicant proposes to de-convert two flats he owns elsewhere – to one dwelling – so that there would be a neutral effect on housing land supply  
• However, the appeal site in Heatley and the property proposed for de-conversion in Lymm are not in the same locality – which is an important consideration in the light of PPS3 and associated good practice
Furthermore, over time the linking in this way of proposals in separate parts of the Borough could lead to increased pressure on already high demand areas through the cumulative effect of similar proposals.

Accepting this argument now would weaken the Council’s position in handling future such proposals.

It is unclear how the applicant’s proposal to link the granting of permission for a new dwelling with the de-conversion of the flats could be achieved. A condition would not be enforceable or reasonable.

**STRATEGIC DIRECTOR OF ENV & REGEN COMMENTS:**

- Inspector agrees that proposal would add unacceptably to the surplus of housing land in the Borough.
- Applicant’s suggestion that he compensate for such addition – by removing a dwelling elsewhere – regarded as unworkable in practice.
- Inspector helpfully notes that if applicant’s argument/suggestion had been possible, that this would have weakened the Council’s position in future cases.

**UNITARY DEVELOPMENT PLAN**

- HOU1; HOU2; GRN1; GRN5
- “Managing the Housing Supply” SPD
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
25th August 2011

REPORT OF THE STRATEGIC DIRECTOR OF ENVIRONMENT AND
REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2010/16846
APPEAL REF: M0655/A/11/2149535

LOCATION: 51 Walton Road, Stockton Heath

DESCRIPTION: Proposed change of use of the ground floor from
Class A1 and Class D1 to Class A3 (restaurant); and a
first floor extension to the rear of the property.

DELEGATED DECISION: Refuse

APPEAL DECISION: Dismiss

MATERIAL CONSIDERATIONS:
Impact on living conditions of neighbouring residents with regard to noise and
disturbance

INSPECTOR’S FINDINGS:
• Proposed revised plans/drawings do not match
• Even if latest revisions were accepted, elevations do not include the
  revised position of the rear door and bathroom window; they do not
  show the access point of the stairs into the rear lane; and they do not
  include the bin store doors. Not clear how the “food prep” area would
  appear or function
• Plans do not form an adequate basis for seeking the views of
  neighbours and are not a satisfactory basis for a planning permission
• Although not clear, it would appear that a substantial outdoor area
  would be created between the rear door and the stairs – which could
  act as a roof terrace and could accommodate a number of people
• Such use would allow clear views into the neighbouring rear yards and
  rear facing windows and increase the potential for noise and
  disturbance within the rear of the neighbouring flat
• No certainty either that the side elevation would have a satisfactory
  appearance
• Conclusions of noise report suggests that noise would not be harmful
  provided all windows and doors are shut
• Not clear if existing windows are to be replaced with double glazing
• Applicant disputes need to keep windows shut
• Subject to a range of measures, noise levels could probably be limited
  to prevent harm
• Whilst conditions may ensure that such measures are put in place, it is preferable that the proposed works form part of the submitted plans – so they can be properly assessed. As the plans are inadequate, it is not possible to grant permission with conditions
• Noise report does not consider noise from the rear roof terrace – unclear how author of noise report interpreted the inadequate plans
• Other planning decisions referred to by applicant are not relevant
• Proposal would add to pressure on parking but this would not harmfully alter the existing situation

COSTS
• Not unreasonable to request a noise survey – but measures to prevent harm were not included in the survey
• Share Council’s concerns that it would be unreasonable to require windows to be kept shut at all times – especially as no details of mechanical ventilation were shown
• Given intimate relationship between properties, Council’s cautious approach was not unreasonable
• Council’s concern over parking was not raised as part of the previous refusal of permission here – this inconsistency is unreasonable
• This unreasonable behaviour did not cause unnecessary or wasted expense on behalf of the applicant
• Whilst the applicant should have been confident that the previous reason for refusal had identified all of the Council’s issues, the application actually failed because of the Council’s reasonable concerns over noise

STRATEGIC DIRECTOR OF ENV & REGEN COMMENTS:
• Inspector dismissed appeal because he could not rely on the submitted plans – so could not be certain that harm would not be caused to neighbours
• There are some matters in favour of the proposal – but can not grant permission on basis of plans submitted
• An award of Costs was not made against the Council – despite the Inspector’s conclusion that it had been unreasonable in suggesting that noise and disturbance from customer parking was now unacceptable – in conflict with a previous refusal at the site which did not refer to this

UNITARY DEVELOPMENT PLAN
• TCD10; REP10; REP11; DCS1; DCS9; LUT20
APPLICATION REF: 2011/17893
APPEAL REF: M0655/D/11/2155149

LOCATION: 57 APPLECROSS CLOSE, BIRCHWOOD

DESCRIPTION: Proposed two storey extension to side of house with single storey rear extension of house and conversion of garage to form room, new parking space added to front of house

DELEGATED DECISION: Refuse

APPEAL DECISION: Dismiss

MATERIAL CONSIDERATIONS:
Impact of proposed two storey side extension on living conditions of neighbours in respect of outlook, privacy and sunlight; Impact on highway safety

INSPECTOR’S FINDINGS:
- There would be no loss of privacy to 55 Applecross Close – in fact privacy would be improved through the loss of a landing window in the existing gable end wall
- No 55 would experience some loss of sunlight to its grounds in the early morning - however this would be insignificant
- Main visual impact would be on outlook from facing windows and garden of no 55 towards the blank gable end wall
- Loss of outlook from the living room window of 55 would reduce the field of vision from the centre of the living room window of 55 by an angle of about 6 degrees
- Although only a small field of vision would be obscured, the proposed side extension would bring built development up to the boundary between the two properties and would create a greater sense of enclosure for the occupants of 55
- Proposal would harm the living conditions of the occupants of 55 in respect of loss of outlook
- The existing garage of 57 would be converted to a playroom and a new integral garage provided. There would be parking for a further car on the drive and a third space at the front of the dwelling
The parking in front would occupy part of the open plan grassed area that is characteristic of the estate.

No 57 is a prominent building in the street scene – a parked car in the space proposed would also be prominent.

Although the proposal would reduce off-street parking space, the Council’s guidance indicates that a house with two or more bedrooms requires two parking spaces.

The extended house would be capable of providing two off-street spaces and – given there are no parking restrictions on the estate roads in the vicinity - there would be no detriment to highway safety.

STRATEGIC DIRECTOR OF ENV & REGEN COMMENTS:

- Inspector agreed with caseworker in terms of impact on the neighbouring property – but not in terms of the amount of on-site parking required.
- With regard to parking, it had been the Council’s contention that the extension would reduce existing off-street parking provision - as the proposed garage is not wide enough to adequately accommodate a vehicle. The proposal would therefore have resulted in a reduction in on-site parking from 2 spaces to just 1 space (at the front). Even this space would appear incapable of use - as it would require awkward turning movements.
- Nonetheless, even if deficient in on-site parking – the availability of on-street parking should also be considered.

UNITARY DEVELOPMENT PLAN

- DCS1; LUT20; and HOU8.
REPORT OF THE STRATEGIC DIRECTOR OF ENVIRONMENT AND
REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/17600
APPEAL REF: M0655/D/11/2154845

LOCATION: 75 SNOWBERRY CRESCENT, WARRINGTON

DESCRIPTION: Retrospective application for a greenhouse

DELEGATED DECISION: Refuse

APPEAL DECISION: Dismiss

MATERIAL CONSIDERATIONS:
Impact on character and appearance of the streetscene

INSPECTOR’S FINDINGS:
- Development resembles a greenhouse rather than a conservatory – it is attached to an outbuilding
- Site is part of the back garden of a detached house on a modern estate with a mix of house types
- Open nature of front gardens and absence of hedges or boundary walls/fences is an important element in the open & spacious streets
- A pitched roof outbuilding has been built in the rear corner of the back garden close to Snowberry Crescent, one of the more important estate roads, and to the small back gardens of Larkspur Grove to the rear
- Greenhouse is between the side of the outbuilding and Snowberry Crescent
- Upper part of greenhouse is visible over the wall along Snowberry Crescent
- From the north-west, the building projects out from the building line – in this conspicuous position the greenhouse detracts from the open character of the estate and the crisp, unimpeded view along Snowberry Crescent in both directions
- Other conservatories referred to by applicant cause harm

STRATEGIC DIRECTOR OF ENV & REGEN COMMENTS:
- Straightforward support for Officer view

UNITARY DEVELOPMENT PLAN
- DCS1; HOU8