



Appeal Decision

Site visit made on 5 July 2022

by A Veevers BA(Hons), PGDip(BCons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/M0655/D/22/3294605

13 Seaford Place, Poplars and Hulme, Warrington WA2 9TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs D Blackmore against the decision of Warrington Borough Council.
 - The application Ref 2021/40115, dated 8 September 2021, was refused by notice dated 25 February 2022.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of 14 Seaford Place, with particular regard to privacy.

Reasons

3. The proposal would introduce a two-storey rear extension to the host dwelling, creating an extended bedroom at first floor and garden room at ground floor. It includes a high-level window in the first-floor rear elevation facing the rear elevations of properties along Toll Bar Road and a window in the first-floor side elevation facing the rear garden of 14 Seaford Place (No. 14).
4. The separation distance between the window on the side elevation of the proposed extension and the boundary with No. 14 does not accord the Warrington Borough Council House Extensions Supplementary Planning Document (2021) (SPD) guidance.
5. Whilst I acknowledge the offset position of the proposed extension from the boundary with No. 14, the large side-facing bedroom window would offer clear views into the garden of No. 14 at close distance. Some overlooking is expected and tolerable in residential areas and already occurs to some degree at the appeal site and surrounding properties. However, overlooking from this window toward the neighbouring property would be significant and harmful to the living conditions of the occupiers.
6. Notwithstanding an existing window on the first-floor gable of the host dwelling already affords views towards the garden of No. 14, this serves a landing rather than a room where people would be likely to spend longer periods rather

than passing movements. This would not justify the proposed window, even if the existing clear glazed landing window was obscured.

7. The existing rear bedroom window at the appeal site affords some views towards properties to the rear and rear gardens of 12 and 14 Seaford Place. The proposed high-level window in the rear elevation would reduce any overlooking that currently occurs and therefore be of benefit. Even so, the additional large side window would afford closer range, direct views rather than angled views to the side and longer distance views from the existing rear elevation windows.
8. While it is suggested the side window be altered to a high level one, there are no plans to this effect before me. The use of partial, although no clarification of the extent of this, or a full obscure glazing window would reduce overlooking. However, the only other window serving the room would be a high-level and a further obscure glazed window (even if only partially obscurely glazed) would result in poor outlook for the occupant of this room.
9. I therefore conclude that the proposed development would have a significant adverse effect on the living conditions of the occupants of 14 Seaford Place, with regard to privacy. It would therefore conflict with Policy QE6 of the Warrington Local Plan Core Strategy (2014) which requires development to respect the living conditions of existing neighbouring residential occupiers in relation to, amongst other things, overlooking/loss of privacy, an objective shared with the SPD.

Other Matters

10. Although there were no objections to the proposed development, a lack of objection is not a reason to approve unacceptable development.
11. The proposed development would provide better living conditions for the occupiers of the appeal property. No compelling evidence or alternative schemes have been put forward to indicate these aims could not be achieved in another, less harmful way. Therefore, I afford this personal benefit limited weight. That there are no refusal reasons relating to outlook, light, or the living conditions of the occupiers of other adjacent properties would only be a neutral factor.

Conclusion

12. The proposed development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
13. For the reasons given above I conclude that the appeal should be dismissed.

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INSPECTOR