

APPLICATION NUMBER: 2020/38368

Ward:	Lymm North and Thelwall
Date Registered:	18 December 2020
Case Officer:	Faye Cass
Applicant:	.Mr and Mrs Picton
Location:	27, OUGHTRINGTON CRESCENT, LYMM, WARRINGTON, WA13 9JD
Proposal:	Householder - Proposed Part rear ground floor and part rear first floor alterations with porch to front.

Recommendation: Refuse
<p>Conditions and/or Reasons</p> <p>The rear ground floor extension and rear first floor extension in particular would result in an over dominant form of development that would cause overshadowing resulting in loss of natural light and it would have a significantly detrimental impact upon the amenity of No. 25 Oughtrington Crescent through an unacceptable impact upon their outlook. Therefore the proposal would be contrary to Policy QE6 of the Adopted Warrington Borough Council Core Strategy (2014) and the Adopted House Extensions SPD (June 2021).</p> <p>Informatives:</p> <p>The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework (NPPF).</p> <p>The application is refused on the basis of the following plans and documents:</p> <p>(a) The planning application forms and other information received by Warrington Borough Council on 18th December 2020.</p> <p>(b) Submitted drawing numbers:</p> <p>2248.P.103 (Site Location Plan); and 2248.P.104 (Block Plan) received by Warrington Borough Council on 18th December 2020.</p> <p>2248.P.105.A (Existing and Proposed Site Plans and 2248.P.102.C (Proposed Plans and Elevations) received by Warrington Borough Council on 18th February 2021.</p>

DELEGATED DECISION	NO
<p>1. With respect to the Authority, is the applicant and/or agent one of the following:</p> <p>(a) a member of staff</p> <p>(b) an elected member</p> <p>(c) related to a member of staff</p> <p>(d) related to an elected member</p>	NO
2. Parish Council objection/Ward Cllr call –in within 21 days	YES
3. Is the application submitted by the Council/on council owned land/other Council interest.	NO

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- This application is for extensions and alterations to a semi-detached two storey dwelling within an urban area. Householder development in this location is considered to be acceptable in principle.
- Impacts to visual amenity and design are considered to be acceptable and will therefore not adversely impact the character of the dwelling or any surrounding dwelling.
- Impacts to residential amenity are considered to be adverse and the amenity of the adjacent property would be adversely impacted.

OFFICER’S REPORT

APPLICATION SITE AND SURROUNDINGS

The application relates to semi-detached house located on Oughtrington Crescent within the settlement of Oughtrington in Lymm. The application property has 3no. bedrooms. There is hardstanding to the front of the property for the parking of a car.

The existing dwelling has a single storey rear extension consisting of two sections. The northern section, the living room, is nearest the shared boundary with No. 25 Oughtrington Crescent and has a dual pitched roof with rear garden facing gable. It projects 6.2m and has a width of 4.1m and a height of approximately 3.5m to the ridge of the dual pitched roof. The southern section, the conservatory, projects 5.6m from the rear elevation, has a width of 2.3m and a height of 2.9m to the ridge of the dual pitched glazed roof.

The surrounding area is predominately residential. Approximately 30m to the south of the site is the grade II listed Lloyds Bridge over the Bridgewater Canal. Adjacent to the rear boundary of the site are 8 Sycamore Trees protected within Tree Preservation Order no. 379. The site is located within the Oughtrington Inset which is a settlement excluded from the Green Belt Village as designated under Local Plan policy CC1 (Inset and Green Belt Settlements).

DESCRIPTION OF PROPOSAL

The application proposes a part two-storey and part single storey rear extension and a front porch. The two storey element would have a depth to approximately 2.9m at first floor level and extend across the rear elevation to a depth of approximately 3.9m. On the ground floor the proposal would be similar to the existing arrangement where it would extend to a depth of approximately 6.2m for a width of 3.9m adjacent to no. 25 and then another section of the extension, adjacent to the adjoining property no. 29, would have a depth of approximately 5.6m for a width of 2.3m. The submitted drawing shows the proposed extension extending across the party wall line with no. 29 and relevant certificate B has been submitted in this respect to acknowledge that not all of the proposal is within the applicant's ownership. The two-storey element would be set down from the ridge by approximately 0.8m. The two-storey and single elements are proposed to be hipped.

A porch is proposed on the front elevation to a depth of approximately 1.2m to a width of 2.5m and is proposed to be gable ended built in brick.

A new obscure window is proposed in the original flank elevation of the dwellinghouse which would serve an en-suite bathroom in the original part of the dwellinghouse as a result of the internal re-arranged to enable to the proposal.

The roof materials are proposed to match those of the existing. The facing materials are proposed in brick.

AMENDED PLANS

Amended plans were received during the course of the application with the following changes:

- Amendment of first floor rear extension to be the same dimensions and location/layout as an existing Lawful Development Certificate.
- A change to the originally submitted roof shape to hipped for the two storey and single storey elements.
- A change in the proposed materials from brick and render to brick only.
- Removal of high level opaque windows.

Consideration has been given to the necessity to re-consult on the amended plans received. In this instance it was considered that the proposed amendment did constitute substantial differences or fundamental change to the originally submitted proposal and a 14 day re-consultation was carried out to neighbours.

The LPA has acted fairly and reasonably taking in to account the duty to fully consider representations from interested parties and has re-consulted in order to make sure that nobody has been deprived of the opportunity to make any representations that they may have wanted to make on the application as amended due to the nature of the change/s. All representations received are summarised below and are appraised against planning policy (where they are material in determining the application) within the assessment.

LOCAL REPRESENTATIONS

General Public

The application was publicised by 3 neighbour notification letters. As a result one neighbour responded to both the original consultation and the amended plans consultation which is summarised as follows:

Residential Amenity

- Right to light
- Overshadowing
- Loss of outlook
- 45 degree right to light rule

Ward Councillors

No response.

Parish Council

Lymm Parish Council have objected and have referred the decision to Development Management Committee for the following reasons:

Residential Amenity:

In regards to No. 25 Oughtrington Crescent:

- Loss of privacy
- Overshadowing
- Loss of outlook
- Loss of light

Highways

Road safety is another area for objection, with on-road parking already proving an ongoing issue on Oughtrington Crescent.

The Parish requested that the application is referred to Development Management Committee.

CONSULTEES

Greater Manchester Ecology Unit –

No ecological information appears to have been submitted with the application. However a bat survey was submitted with the previous application at the site (2019/35550). Given the findings of the survey, we would consider this report to still be valid and therefore our advice remains unchanged. That is: the survey found the building to be extended to have negligible bat roosting potential. However as bats are highly mobile creatures we would advise that the following informative be attached to any permission, should it be granted:

“Whilst the building to be extended has been assessed as very low risk for bats, the applicant is reminded that under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed”.

WBC Highways – No objections. Comments made that as the dwelling appears to remain a 3 bed dwelling, no addition provision would be expected. The existing provision is not significantly affected by the slightly larger front porch.

RELEVANT SITE HISTORY

Planning Reference	Description of Development	Decision	Date of Decision
2019/35550	Householder - Proposed alterations to existing single storey rear extension & conservatory, erection of front porch and first floor single storey rear extension	Refused- subsequently appealed which was dismissed with a decision date 06 th may 2020.	23 rd December 2019
2019/34594	Section 192 (Lawful Development Certificate) - Proposed two storey rear extension, extension to the front of dwelling with bathroom window to the side.	Approved	4 th June 2019
2018/33846	Lawful Development Certificate – Proposed demolition of existing conservatory and erection of a 2 storey rear extension	Refused	13 th December 2018
2018/33470	Lawful Development Certificate – Proposed porch to front elevation, installation of side window with obscure glass, two storey rear extension	Refused	11 th October 2018
2018/33430	Lawful Development Certificate – Proposed porch, side window	Refused	9 th October

	(obscured glazing), two storey rear extension		2018
2018/33266	Lawful Development Certificate – Proposed demolition of existing living room & conservatory with a proposed two storey extension to the rear of dwelling & front porch extension	Refused	28 th August 2018

PLANNING POLICY

National Planning Policy Framework 2021 (NPPF)

The Revised National Planning Policy Framework (2021) (NPPF) confirms that decisions should apply a presumption in favour of sustainable development. Paragraph 7 of the document states that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. This is balanced by Paragraph 9 which states that plans and decisions need to take local circumstances into account, so that they reflect the character, needs and opportunities of each area. Where there are other specific, relevant, material issues raised in the NPPF these will be discussed within the Assessment below.

As stated above, the NPPF re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan, in the case of Warrington, refers to the Local Plan Core Strategy (2014). Where there are other specific, relevant, material issues raised in the NPPF these will be discussed within the Assessment below.

As stated above, the NPPF re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan, in the case of Warrington, refers to the Local Plan Core Strategy (2014).

Relevant Policies in the Local Plan Core Strategy (2014)

- CC1 – Inset and Green Belt Settlement (Oughtrington)
- QE5 – Biodiversity and Geodiversity
- QE6 – Environment and Amenity Protection
- QE7 – Ensuring a High Quality Place

- House Extensions SPD – June 2021

EQUALITY ACT (2010)

In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010. It is considered that the application has no differential impacts.

ASSESSMENT

Principle of Development

The proposals would be residential in nature so would be in keeping with the residential character of the existing dwelling. Development of this type is not uncommon and for these reasons the principle of development is acceptable

Impact upon Character of the Area

Policy QE7 of the Adopted Core Strategy requires that The Council will look positively upon proposals that are designed to be sustainable, create safe and accessible environments; reinforce local distinctiveness; harmonise with the scale and character of existing buildings and be visually attractive as a result of good design.

There would be glimpses of the proposed two-storey rear extension from the street scene through the gap between the application site and no. 25. It is considered that the proposal would not look overly prominent in the street scene and is not an uncommon feature in a residential area. The two storey element of the proposal would be hipped which would match the main dwellinghouse and materials are proposed to match those of the existing.

Despite being a relatively large rear extension it is considered that, given the generous size of the rear garden and the size of the dwelling itself, the proposal would not represent overdevelopment of the plot and is considered acceptable in terms of design.

The porch is proposed to be gable ended in materials to match those of the main dwellinghouse and its appearance in the street scene is considered to be acceptable.

Overall the design and character of the proposals match the existing conditions and would not create an adverse impact in accordance with

Policy QE7 of the Local Plan Core Strategy.

Residential Amenity

Policy QE6 states that The Council, in consultation with other Agencies, will only support development which would not lead to an adverse impact on the environment or amenity of future occupiers or those currently occupying adjoining or nearby properties, or does not have an unacceptable impact on the surrounding area.

45 Degree Code

The House Extensions SPD (SPD) includes a '45 Degree Code' detailed at section 2.2.1 and 2.6.4 where an extension should not cross a 45 degree line on plan taken from the centre point of a habitable room window of a neighbouring property. The single storey rear extension would project to a depth of approximately 5.6m closest to the adjoining property no. 29 Oughtrington. No. 29 has an obscure glazed window closest to the boundary and therefore, even though the proposal is relatively long, there would not be an infringement of the 45 degree line when taken from the next nearest habitable room window. There would be not be an infringement of the 45 degree line with regard to the proposed first floor extension and the ground and first floor habitable rooms at no. 29 due to the proposal being set-in from the boundary.

Overshadowing and loss of natural light

Material consideration has been given to the previously dismissed appeal for the refusal of planning application 2019/35550. The plans for the dismissed appeal included a part single/part two storey extension to the same depth as proposed as part of this application facing no. 25 (6.2m for the single storey and 2.9m for the two storey element) with the height of the eaves of the two-storey being the same as that of the main dwellinghouse on the current and previous application. The proposed single storey element would have hipped roof whereas the dismissed single storey roof was mono-pitched. Overall it is considered that the two schemes are very similar and the comments made by the Inspector in this regard remain relevant for the current application. In the appeal decision the Inspector noted that with regard to possible loss of natural light and overshadowing no technical evidence had been submitted by any party. Paragraph 8 of the appeal stated that

"I find that the proposal, by virtue of its height, projection, positioning and proximity to the kitchen and bedroom windows of No 25, would cause further overshadowing and therefore a reduction in sunlight to those habitable rooms for a greater part of the day than currently exists. For the same reasons the proposal would also result in a reduction in daylight, particularly in relation to the kitchen of No 25. Consequently, the proposal would be harmful to the living conditions of No 25 in these regards."

No technical evidence has been submitted by any party as part of the current application, although photographs taken from inside no. 25 have been submitted by the objector. Since the appeal decision, the Council has introduced the House Extensions SPD where paragraph 2.2.1 states that a separate kitchen would not normally be classed as a habitable room in regard to the 45 degree code. It is unknown if the kitchen at no. 25 is also a dining area, in any case, the proposal is considered to cause a reduction in daylight and overshadowing to a greater degree than at present to the habitable bedrooms. Furthermore, although a kitchen is not normally classed as a habitable room, as an appeal Inspector has previously considered the kitchen worthy of protection it is considered to be included as a habitable room in this instance. Therefore, it is considered that the current proposal does not differ significantly from the dismissed appeal and the overshadowing and reduction in sunlight/daylight to the habitable rooms of no. 25 would be harmful to the living conditions of no. 25.

Direct Outlook

Section 2.2.3 of the SPD states that an extension can have an adverse impact on the direct outlook from a neighbour's ground floor habitable room or garden area. Furthermore, where the main outlook from a neighbour's principal habitable room window faces directly on to a blank elevation of an extension over single storey in height, a minimum distance of 13m should be retained when measured directly from the neighbour's nearest ground floor habitable room main windows to the development. The SPD acknowledges that single storey extensions have less impact and will be considered on a case by case basis.

Number 25 Oughtrington Crescent is unusual in that the front door and a number of main habitable windows face on to the flank elevation of the application site as opposed to facing the road. The main entrance door, kitchen, conservatory and three first floor bedroom windows on the side elevation face directly towards the application site. There is a distance of approximately 7m between the main habitable windows and the blank elevation of the proposed part two/part single storey side extension. The proposal is therefore not in accordance with the House Extensions SPD in this regard due to not meeting the minimum distance of 13 between a blank wall and habitable rooms.

Furthermore, at paragraphs 9 and 10 of the appeal decision notice relating to application 2019/35550, the Inspector had the following concerns regarding outlook:-

"Despite the existing common boundary enclosure, the increased size and scale of the extension would be directly visible from the windows serving the kitchen and two of the bedrooms of No 25. The effect of this upon outlook would be exacerbated by the close proximity and orientation of the two properties and the differences in respective ground levels; the appeal site being the higher of the two. The resulting relationship would cause an overly domineering effect that would be harmful to the living conditions of the occupiers of No 25, in terms of outlook from the habitable room windows serving the kitchen and two of the bedrooms of that dwelling. The relationship with the conservatory windows is such that the appeal proposal would not be unduly harmful to that room."

"The appellants have disputed the significance of these neighbouring windows. As they serve habitable rooms, I find their contribution to the living conditions of the occupants of No 25 to be significant. Contrary to the appellants' argument, the presence of a second window to one of the bedrooms does not mitigate or justify the identified harm to sunlight, daylight and outlook."

It is considered that the current proposal would also result in an overly domineering effect and have a detrimental impact on outlook on the living conditions of the occupants of no. 25 as detailed by the appeal Inspector above.

It is acknowledged that there is an existing single storey rear extension opposite no. 25 Oughtrington Crescent to the same maximum ridge height and depth, however, it is considered that the addition of the two-storey rear extension would result in a cumulative impact upon the amenities of no. 25 in addition to there being a difference in ground level where the application site is at an elevated level over no. 25.

Privacy

A new obscure glazed window is proposed due to the introduction of an en-suite bathroom in the original part of the dwellinghouse as a result of the re-orientation of the room layouts which would be enabled by the proposed extension. This window could likely be implemented using permitted development rights. In any case, as the window is obscure glazed and top opening, it is considered acceptable and would not lead to a detrimental impact on privacy for the occupiers of no. 25 opposite.

Therefore, it is considered that overall there would be unacceptable impacts on residential amenity in terms of outlook, overly-domineering, sunlight/daylight and overshadowing and the proposals would not comply with Policy QE6 of the Core Strategy and the House Extensions SPD.

Fall-back

The agent and applications have previously stated they have a Lawful Development Certificate (LDC) to use as a valid fall-back position, however this was discounted by the Inspector in the previous appeal as there was no evidence that the applicants were going to pursue this course of action. The proposal for the LDC, which has similar dimensions to this application, is also less than the 13m separation distance to blank walls and would cause an adverse harm to No. 25. Therefore, the fall-back of the LDC is not considered a justification for the current proposal in this instance.

Highways

The existing dwellinghouse has 3no. bedrooms and the proposal would increase the size of the existing bedrooms without adding any more. WBC Highways do not object to the proposal due to no change occurring in the bedroom numbers. Therefore it is considered that the current level of parking provision is acceptable in this circumstance.

Ecology

Ecology Policy QE5 of the Local Plan states that the Council will work with partners to protect and where possible enhance sites of recognised nature and geological value. These efforts will be guided by the principles set out in National Planning Policy and those which underpin the strategic approach to the care and management of the borough's Green Infrastructure in its widest sense.

The Greater Manchester Ecology Unit (GMEU) was consulted and have no objections subject to an informative regarding bats being added to any grant of permission.

The site falls within 250m of a pond and therefore, it is recommended that an informative is added to any grant of permission to advise that if Great Crested Newts are found at any stage during the implementation of the proposal then works should cease until the identification of the species is confirmed and advice sought from a suitably licenced person.

Subject to the above condition and informatives, it is considered that the development would be acceptable in regard to protected species, in accordance with Policy QE5 of the Local Plan Core Strategy and Government guidance contained within the NPPF.

Pipelines

The site comes within the inner, middle and outer boundary of pipelines. The British Pipeline Agency would have to be contacted by the applicant to determine if the proposals would be impacted by the underground pipelines.

Other matters

An objection has been received from a neighbouring property with the following summarized concerns:

Residential Amenity

- Right to light
- Overshadowing
- Loss of outlook
- 45 degree right to light rule

'Right to light' is a private property right and not a planning matter. However, the effect of a proposal upon neighbouring properties with regard to sunlight/daylight is a planning consideration. The above assessment has considered these matters as part of the residential amenity considerations. The other issues raised by the objector, overshadowing, loss of outlook and the 45 degree rule, have also been addressed above as part of this report.

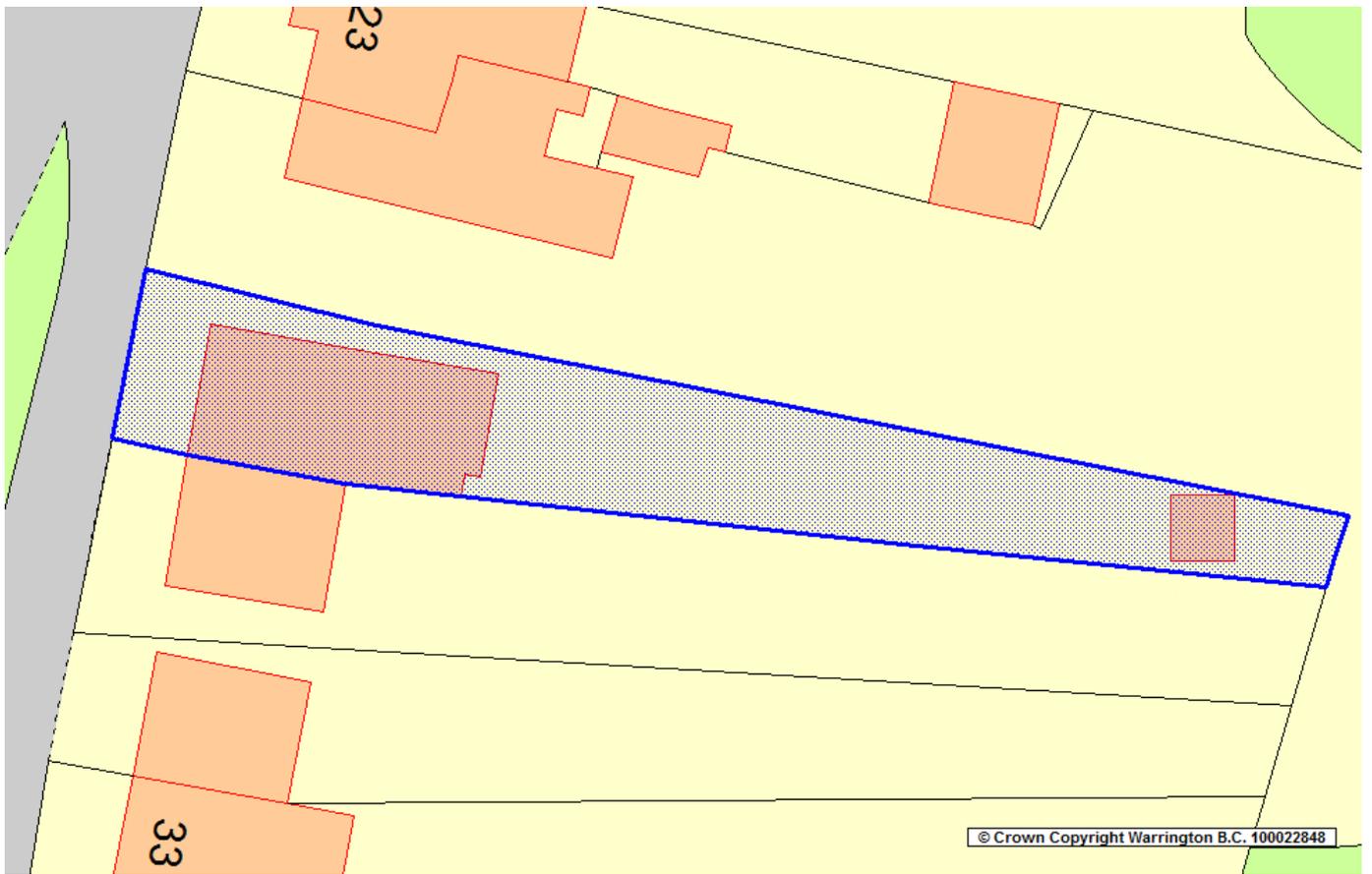
With regard to the objection by Lymm Parish Council, relating to residential amenity, these subjects have been addressed in the report above. With regard to the objection concerning road safety, as outlined above, the number of bedrooms is not proposed to increase and WBC Highways have not objected to the proposal and therefore the proposal is considered compliant in this regard.

The Parish requested that the application is referred to Development Management Committee (DMC). As the application is recommended for a refusal, a referral to DMC is not required under the Scheme of Delegation unless the officer recommendation is contrary to the Parish view.

CONCLUSIONS AND RECOMMENDATIONS

It is considered these proposals would not meet the Councils guidelines for extensions and would give rise to an adverse impact on the amenities of no. 25 Oughtrington Crescent, especially with regards to impacts of overshadowing, overbearing and loss of light and therefore the application is recommended for refusal.

PLAN EXTRACTS



Date Report Completed:	24.06.2022	Faye Cass
Date Agreed by Section Head:	29.6.22	Matt Carney