

Appeal Decision

Site visit made on 15 November 2016

by Beverley Doward BSc BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 November 2016

Appeal Ref: APP/R0660/D/16/3158689
8 Gritstone Drive, Macclesfield, SK10 3SF

- 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 Mr & Mrs Q Lawton against the decision of Cheshire East Council.
 - The application Ref 16/2761M, dated 2 June 2016, was refused by notice dated 27 July 2016
 - The development proposed is erection of first floor side extension and ground floor porch to front elevation of dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of first floor side extension and ground floor porch to front elevation of dwelling at 8 Gritstone Drive, Macclesfield, SK10 3SF in accordance with the terms of the application, Ref 16/2761M, dated 2 June 2016, subject to the following conditions: .
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan Number Lawton 01/16 and Plan Number Lawton 02/16.
 - 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 Issue

2. The main issue in this case is the effect of the proposed development having regard to its size, design and position on the living conditions of the occupiers of neighbouring properties in relation to outlook, privacy and light.

Reasons

3. The appeal site is a two storey detached house on a residential estate comprising of a range of house types. The appeal property is sited on a roughly triangular plot which is located on the southern side of Gritstone Road, at its junction with Shuttlingsloe Way. It is sited to the east and angled away from the row of dwellings on Bramhall Way. The main garden areas to the adjacent properties on Bramhall Way are set at a right angle to the rear garden
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- of the appeal property and separated from it by a footway which runs along the rear of the properties in Bramhall Way.
4. The appeal proposal comprises a scheme of extensions which includes a single storey front extension and a first floor side extension. The proposed single storey front extension is not a matter of contention between the parties and, given the design and modest scale of this feature, I see no reason to take an alternative view.
 5. The proposed first floor side extension would be sited over the existing attached single storey garage and kitchen/breakfast area. It would be set back about 1.1m from the front elevation of the house and would be flush to the existing rear elevation. It would have a hipped roof the ridge height of which would be the same as that of the host dwelling. This aspect of the appeal proposal would present a two storey element about 3m closer to the nearest neighbouring property at 1 Bramhall Way. However, given the juxtaposition of the two properties, the changes in site levels which results in the properties on Bramhall Way being slightly elevated above the appeal property and the hipped roof design, the first floor side extension would not appear unduly overbearing when viewed either by the occupants of the nearest neighbouring property at 1 Bramhall Way or by the occupants of other properties on Bramhall Way. Similarly, due to the same factors it would not cause a material loss of light to the properties on Bramhall Way.
 6. The Council states that the proposed first floor side extension would result in a separation distance between the appeal property and the neighbouring property at 1 Bramhall Way which, at 10m, is less than the recommended distance of 14m for a habitable room facing a non habitable room or gable as detailed in saved policy DC38 of the Macclesfield Borough Local Plan 2004 (Local Plan). It is not clear from the evidence as to which habitable room window in the neighbouring property this measurement relates to. Nevertheless I note that the recommended distance referred to is detailed in the explanatory text to the policy which also states that the distances outlined are for guidance only and can be varied in accordance with the policy. Given my finding above that the design of the proposed first floor side extension with a hipped roof coupled with the juxtaposition of the appeal property relative to 1 Bramhall Way and the changes in levels would ensure that the neighbouring property would not experience a material loss of light, I consider that the proposal would not conflict with policy DC38 of the Local Plan.
 7. No windows are proposed on the side elevation of the first floor extension. An existing first floor window on the rear elevation of the existing house would be modified and reduced in width and a new first floor window would be positioned on the rear elevation of the extension. However, given the siting of the extension and the angle of view, any additional overlooking of the rear garden of the nearest neighbouring property on Bramhall Way from that which currently exists would be limited. Any additional overlooking of the gardens of the other properties on Bramhall Way would be even more limited given the intervening distances. In any event I am mindful that a degree of mutual overlooking of garden areas is not uncommon on residential estates such as this and I consider that the proposed first floor side extension would not result in any significant harm in this respect.

8. To conclude therefore, I am satisfied that the proposed development having regard to its size, design and position would not materially harm the living conditions of neighbours in relation to outlook, privacy and light. Accordingly, it would comply with saved policies DC3, DC38 and H13 of the Local Plan which taken together seek to ensure that development proposals do not harm the living conditions of the occupiers of neighbouring houses.
9. Policies DC1 and DC2 of the Local Plan referred to by the Council relate to the effect of development proposals on the character and appearance of the area. Accordingly, they are not directly relevant to the main issue in this case which, as indicated by the Council's reason for refusal, relates to the effect of the proposed development on the living conditions of the occupiers of neighbouring properties.
10. The appellants refer to a nearby extension which they consider to be similar to the appeal proposal. However, each planning application and appeal must be determined on its own merits. I confirm that I have considered the appeal proposal on this basis taking into account the relevant development plan policies and the specific context of the site and its surroundings. Therefore, the existence of the nearby extension has not been determinative in my consideration of the appeal proposal.

Conditions

11. As well as the standard time limit condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary to provide certainty. A condition requiring the proposal to be constructed in materials matching those used in the existing house is also necessary to ensure a satisfactory appearance.

Conclusion

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Beverley Doward

INSPECTOR