
Appeal Decision

Site visit made on 10 January 2017

by V Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 20 January 2017

Appeal Ref: APP/R0660/D/16/3163125

31 Roewood Lane, Higher Hurdsfield, SK10 2PQ

- 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 M Maginn against the decision of Cheshire East Council.
 - The application Ref 16/4352M, dated 4 September 2016, was refused by notice dated 2 November 2016.
 - The development proposed is raising the existing roof by c. 2m to create additional bedrooms within roof space.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development proposed on the character and appearance of the area; and
 - The effect of the development proposed on the living conditions of neighbouring occupants, with particular regard to outlook.

Reasons

3. No. 31 is a detached two storey dwelling. There are a mixture of house types along Roewood Lane, including a block of apartments, and also a variety of different finishes, including render and red brick. There is therefore some diversity in the streetscene. However, close to the appeal site the buildings comprise houses and they have a common design feature in that the roof heights reflect the sloping topography of the area. As a consequence, the roof heights of dwellings along the lane are set progressively higher as the lane slopes upwards in a southerly direction. The roof height of No.31 is therefore higher than No. 29 and lower than No. 33. This feature establishes a visual cohesiveness to the otherwise diverse collection of dwellings and makes a positive contribution to the character of the area as a consequence.
 4. The appeal proposal would see the roof height of No. 31 raised by approximately 2m in order to create additional bedrooms within the roof space of the dwelling.
 5. A 2m increase in roof height would result in No. 31 being higher than No. 29 and also higher than No. 33. This would seriously disrupt the sloping pattern of roof heights close to the appeal site and would detract from the visual
-

cohesiveness of the streetscene at this point. For these reasons, the proposed increase in roof height at the appeal property would be harmful to the character of the area. Whilst I have acknowledged the diversity that exists in the streetscene, the progressive increase in roof heights along Roewood Lane close to the appeal site is an important visual feature in ensuring an element of unity and balance is maintained in the rhythm of development.

6. I note the appellant's reference to other applications that have sought to raise roof heights at dwellings along Roewood Lane and the roof heights of other dwellings in the area. However, I have assessed this appeal proposal in the context of its immediate vicinity, significantly the row of houses within which No. 31 is situated.
7. Accordingly, I conclude on this main issue that the development proposed would be harmful to the character and appearance of the area. The proposal would therefore conflict with policies BE1, DC1 and H13 of the Macclesfield Borough Local Plan (Adopted June 2004) (LP) which together seek to ensure that new development should reflect and be sympathetic to local character and respect the form of surrounding buildings and that development which would adversely affect the character of a housing area will not normally be permitted.

Living Conditions

8. The planning officer's report identifies concerns as to the effect of the development proposed on the living conditions of neighbouring occupants, with particular regard to outlook. However no specific issues, such as particular windows of habitable rooms in the neighbouring dwellings, have been identified that would be affected by the proposal. Furthermore, no representations were received by neighbouring occupants at either application or appeal stage regarding the proposal.
9. In terms of any windows in neighbouring properties that may be affected by the proposal, they already face towards the mass of the appeal dwelling. The proposed increase above the existing roof height level would therefore be unlikely to have a significantly harmful effect on outlook. Whilst an increase in the roof height of No. 31 would be significant and visible when observed from the highway, the dwellings opposite are separated from No. 31 by the width of the lane itself. On the basis of the evidence before me and observations I was able to make during the site visit, I am therefore satisfied that the proposal would not be significantly harmful to the living conditions of neighbouring occupants, with particular regard to outlook.
10. Although the appellant has referred to other matters, including light and privacy, neither the Council nor any third party identified these as specific issues of concern. Based on the information before me, I am therefore satisfied that the living conditions of neighbouring occupants would not be harmed as a consequence in this regard.
11. Accordingly, I conclude on this main issue that effect of the development proposed on the living conditions of neighbouring occupants, with particular regard to outlook would not be harmful. The proposal would not therefore conflict with policies H13 or DC3 of the LP which together seek to ensure that development does not adversely affect or significantly injure the amenities of the occupiers adjoining or nearby houses.

Other Matters

12. I acknowledge that the appeal scheme would create additional living space that would benefit the appellant.

Conclusion

13. Drawing matters together, I have found that the proposal would be acceptable in terms of its effect on the living conditions of neighbouring occupants, regarding outlook. However, this is a neutral factor whereby a lack of harm does not weigh in favour of the appeal scheme, as are a lack of harm regarding highway safety, parking or access. Any disruption during building works, in the event that the appeal succeeds, would also be likely to be minimal and of short duration only. This is therefore not a positive benefit that weighs in favour of the appeal proposal. On the other hand, I have found that the development proposed would be harmful to the character and appearance of the area. This harm does outweigh the private benefit that the appeal scheme would bring to the appellant through the creation of additional living space.
14. For the reasons given above, I conclude that the appeal should be dismissed.

V Lucas-Gosnold

INSPECTOR