
Appeal Decision

Site visit made on 27 March 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/A0665/D/17/3168762
72 Woodland Drive, Chester CH2 3QL

- 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 F Leigh against the decision of Cheshire West & Chester Council.
 - The application Ref 16/04427/FUL, dated 28 September 2016, was refused by notice dated 21 December 2016.
 - The development proposed is a two storey side and single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the living conditions of the occupiers of No 70 Woodlands Drive in respect of outlook.

Reasons

3. The appeal site comprises a semi-detached house falling within an established housing estate. There is some design uniformity in this part of the street with the dwellings each having hipped roofs, spacious front and rear gardens and with brick being the predominant building material.
 4. The roof of the proposed two storey side extension would step down from the main roof of the host property and its first floor would be set back from the front elevation of original dwelling. Taking these factors into account, coupled with the width of the side extension and the scale/projection of the rear extension, I am satisfied that the proposals would not cause harm to the balance or symmetry of the pair of semi-detached dwellings or to the character and appearance of the area.
 5. Whilst the rear extension would not cause material harm to the living conditions of the occupiers of No 74 Woodlands Drive in respect of light, privacy and outlook, the side elevation of the two storey extension would be in very close proximity to the rear windows and garden area of No 70 Woodlands Drive. The Chester City Council Supplementary Planning Document "House Extensions" 2006 (SPD), which supplements saved Policy HO8 of the Chester District Local Plan 2006 (LP), states that "*where the orientation of a house is at 90 degrees to its neighbour, a minimum separation of 13m between the main*
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original rear wall of the neighbouring property and the side gable of the extension shall be maintained”.

6. In this case, the rear elevation of No 70 Woodlands Drive faces onto the side elevation of the appeal property. The proposed side extension would fall considerably short of the minimum 13 metre separation distance (by about 4.5 metres) and owing to the height, bulk, length and position of such development it would have a significantly overbearing and enclosing impact when viewed from the rear ground floor windows, first floor windows and the garden area of No 70 Woodlands Drive. The appellant considers that the Council's policies should be applied flexibly, but in this case the harm that would be caused would be significant. Furthermore, I am not aware of any other material planning considerations which would outweigh the identified conflict with the Council's development plan policies.
7. For the reasons outlined above, I conclude that the two storey extension would have a significantly detrimental impact upon the living conditions of the occupiers of No 70 Woodland Drive in respect of loss of outlook. Therefore, this part of the development would not accord with the amenity aims of the SPD, saved Policy HO8 of the LP and Policy SOC 5 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies 2015. Whilst the single storey rear extension would be acceptable in terms of its impacts and overall compliance with the aforementioned policies, such development is not severable from the proposed two storey side extension. Therefore, it has not been possible for me to issue a split decision.

Conclusion

8. For the reasons outlined above, and taking into account all other matters raised, I conclude that when the development is considered as a whole it would not accord with the development plan for the area. Therefore, the appeal is dismissed.

Daniel Hartley

INSPECTOR