
Appeal Decision

Site visit made on 27 April 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 5 May 2017

Appeal Ref: APP/R0660/W/16/3161880
109 Whirley Road, Macclesfield SK10 3JW

- 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 and Mrs Fury against the decision of Cheshire East Council.
 - The application Ref 16/2622M, dated 27 May 2016, was refused by notice dated 16 August 2016.
 - The development proposed is development of new house within the existing site boundary.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on living conditions of the occupiers of neighbouring properties with particular regard to outlook.

Reasons

3. The appeal site is a roughly rectangular parcel currently used as garden for 109 Whirley Road. The 'backland' site sits between 109A Whirley Road, a detached bungalow, and the two storey properties to the south on Whirley Road. These properties sit at a lower level than the appeal site and have relatively short rear gardens/yards. There are a number of trees on the site which are covered by a group Tree Preservation Order.
 4. Whilst it is noted that the principal elevations of the proposed dwelling face away from the adjacent properties, the design of the house is such that the side elevations would result in an expanse of built development measuring approximately 12.5 metres. The distance between this elevation and the rear elevation of the closest property to the south is approximately 14 metres with the rear garden/yards closer still. I acknowledge that a separation distance of 14 metres is generally considered acceptable from side to rear elevations. However, there is a considerable change in levels between the appeal site and those properties to the south. Given the elevated position of the proposed dwelling and the overall mass of the side elevations, the proximity of the dwelling in this instance would result in an imposing and overbearing presence from the rear garden/yard areas and rear windows of those houses to the south, in particular 105 and 107 Whirley Road.
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5. I therefore conclude that the proposal would have a materially harmful effect on the living conditions of the occupiers of neighbouring properties with regard to outlook thereby conflicting with Policy DC3 of the Macclesfield Local Plan (2004) which seeks to ensure, amongst other things, that development should not have an overbearing effect on adjoining or nearby residential properties. The proposal also conflicts with the National Planning Policy Framework (the Framework) which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

6. I agree with the appellants that due to the use of roof lights, obscure glazing and the orientation of the main habitable windows, the proposed dwelling would not cause unacceptable harm to the privacy of neighbouring residents. Given the overall height of the dwelling and the intervening distance, I do not consider that any overshadowing would be unduly significant. However, this does not overcome the harm I have identified above in terms of outlook.
7. I have had regard to the location of the dwelling within the settlement boundary and note that the Council cannot demonstrate a five year supply of housing. Whilst the contribution to housing supply weighs in favour of the scheme, the harm the scheme would cause to the living conditions of the occupiers of the neighbouring properties would significantly and demonstrably outweigh the limited benefits arising from only one house. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development.

Conclusion

8. For the reasons given above and taking all other matters raised into account I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR