
Appeal Decision

Site visit made on 23 May 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 02 June 2017

Appeal Ref: APP/A0665/D/17/3170379

32 Eaton Road, Tarporley, Cheshire CW6 0DG

- 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 Ms Rachel Parker against the decision of Cheshire West & Chester Council.
 - The application Ref 16/04986/FUL, dated 6 November 2016, was refused by notice dated 18 January 2017.
 - The development proposed is a first floor extension and window alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I understand that the Council initially issued a decision notice which indicated that planning permission had been approved. I have not seen a copy of this decision notice. In addition, the banner heading to the delegated officer report states "recommendation: approval". However, it is clear from reading the delegated officer report, including its final conclusion and recommendation, that the planning application was in fact recommended for refusal. An appeal has been lodged and therefore I have determined this appeal on the basis of the one reason for refusal that appears on the Council's decision notice dated January 2017.

Main Issue

3. The main issue is the effect of the proposal upon the living conditions of the occupiers of No 30 and No 34 Eaton Road in respect of loss of light and outlook.

Reasons

4. The appeal property is a mid-terraced property falling within a mainly residential area. It is proposed to erect a first floor rear pitched roofed extension over an existing flat roofed addition to the dwelling.
 5. I do not disagree with the Council that the proposal would be acceptable in design terms as it would be very similar in terms of scale and appearance to the first floor extension at No 30 Eaton Road.
 6. Notwithstanding the above, and taking into account the height and projection of the proposed first floor extension and its relationship with the first floor rear
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bedroom window of No 34 Eaton Road, it would breach the 45 degree standard when measured from this window. Such a standard is referenced in the Vale Royal Borough Council Supplementary Planning Guidance 3: House Extensions – A Design Guide 1996 (SPD) which supplements saved Policy BE1 of the Vale Royal Local Plan 2001. Taking this breach into account, as well as the overall height and projection of the extension, I consider that it would have a materially enclosing impact when viewed from this window. I have considered the position of the affected window, its distance from the proposed extension, and the orientation of the property, and I do not consider that the proposal would lead to a material loss of light penetration into such a window. However, this would not overcome the identified harm caused by the overbearing impact of the proposal.

7. No 30 Eaton Road has been extended in a very similar manner to the appeal proposal. I agree with the Council that whilst there would be some adverse impact upon levels of light penetrating into the rear ground floor side window of No 30 Eaton Road, this should be considered in the context that such a window is secondary and that there is also a primary rear facing window to such a room which would be unaffected by the proposal. Therefore, any loss of light penetration into this window would not be significant.
8. Given the height, position and projection of the proposed extension it would have some adverse impact upon the first floor rear bathroom window of No 30 Eaton Road in terms of loss of light. Any impact upon outlook from this window would be very limited as such a window is fitted with opaque glass. I acknowledge that this window does not serve a habitable room: therefore, I afford the harm caused by the extension upon users of the bathroom limited weight. However, and whilst on its own the identified harm would not justify refusal of planning permission, it nonetheless adds to the identified significant harm that would be caused to the living conditions of the occupiers of No 34 Eaton Road.
9. For the reasons outlined above, I conclude that whilst material harm would not be caused to the living conditions of the occupiers of No 34 Eaton Road in respect of loss of light, significant harm would be caused in terms of the proposed extension's overbearing impact. The proposal would lead to some loss of light from the rear first floor bathroom window of No 30 Eaton Road and this adds to the aforementioned harm. Therefore, the proposal would not accord with the amenity aims of Policy SOC5 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies 2015; saved policies H8 and BE1 of the Vale Royal Local Plan 2001; the SPD and the National Planning Policy Framework.

Other Matters

10. I have taken into account the appellant's desire to remodel the house and in particular that the proposal would mean that the bathroom was conveniently located on the first floor and that a landing would be created thereby meaning that doors did not open onto a staircase. In addition, I accept that the proposal would result in a larger property and that the remodelling works would ensure that the dwelling functioned better from a day to day living point of view. I also note that the appellant considers that new build dwellings are too expensive and that she has struggled to purchase another property since 2010. However, none of these matters outweigh or overcome the significant

harm that would be caused to the living conditions of the occupiers of No 34 Eaton Road in respect of loss outlook, and the additional limited harm that would be caused to the occupiers of No 30 Eaton Road in terms of loss of light.

11. The appellant considers that a precedent has been set by allowing, in 2007, planning permission for a similar extension at No 30 Eaton Road. I do not know the exact circumstances which led to this development being allowed. However, I acknowledge that the existence of the extension has changed the appearance of the rear of the terrace and that therefore in design terms a first floor extension to the appeal property would not be unacceptable in principle. However, in respect of living condition matters, I have determined this appeal on its individual planning merits. The existence of the first floor extension at No 30 Eaton Road does not justify a proposal which would not accord with relevant and up to date planning policies and which would cause harm to the living conditions of the occupiers of neighbouring residential properties.
12. I do not doubt that the appellant wants to improve the property and to remodel it so that she can stay in it for a long time. It may be possible to extend the property in such a way that the identified significant harm is avoided, whilst also providing increased residential floorspace. However, no such amended proposal is before me, and it has been necessary for me to determine the appeal on the basis of the submitted plans.
13. None of the other matters raised outweigh or alter my overall conclusion on the main issue.

Conclusion

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

Daniel Hartley

INSPECTOR